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**FEMINISM AND UNIONISM IN NEW ZEALAND:  
ORGANISING THE MARKETS FOR WOMEN'S WORK**

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**ABSTRACT**

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In 1991 a new labour relations regime was introduced which overturned a 100 year old pattern of 'historic compromise' between capital and labour. In a labour market structured by gender and race, this major change in bargaining arrangements has already widened the pay gap between men's and women's average earnings and reduced union coverage, particularly among women workers in low paid clerical, sales and service work. This study, documenting recent feminist struggle in the area of labour relations, provides a first look at the collective organisation of women under two different labour relations regimes.

In the 1980s a particular conjunction of occupational unionism and feminism in New Zealand facilitated some significant improvements in the situation of women in paid employment. The thesis examines feminist strategies which led to a Working Women's Charter adopted by unions, an increase in women holding office in unions, complaints procedures for sexual harassment, standing committees to represent women and Maori in the union movement, and legislation to implement equal employment opportunity programmes and equal pay for work of equal value. It looks at how the institutionalisation of bargaining by occupation supported industrially weak workers and underpinned the unionisation of women, while occupational unions and women's own strategies of organisation provided the autonomous 'political space' to organise around issues specifically relevant to women.

At the core of the thesis are three case studies of unions representing three of the occupations in which women are concentrated: clerical work, nursing and cleaning. It examines commonalities and contrasts in the industrial situations covered by these unions, and differences and similarities in the strategies they adopted. The focus of research, conducted between late 1990 and early 1993, was the views of officials of these unions in the context of radical change in the regulation of wage bargaining. Particular attention was given to the way issues relating to women workers were prioritised in unions led by women or by men.

These case studies are contextualised in chapters examining the position of women in the labour market, feminist organisation within the union movement, and corporatist change in labour relations legislation. In tracing the development of feminist unionism in the 1980s, the thesis considers the strategies of the NZ Council of Trade Unions and looks at what the radical change in bargaining structure will mean for collective organisation by women in paid employment.

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- COMPASS Union
- NZ Clerical Workers Union
- Southland Clerical Workers Union
- Northern Cleaners & Caretakers Union
- Wellington Cleaners & Caretakers Union
- Canterbury Cleaners & Caretakers Union
- Otago/Southland Cleaners & Caretakers Union
- Service Workers Union of Aotearoa
- Canterbury Hotel & Hospital Workers Union
- NZ Nurses Association
- NZ Nurses Union
- NZ Distribution & General Workers Union
- Te Ropu Kaimahi Maori o Aotearoa
- NZ Council of Trade Unions

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This thesis is dedicated to the women I met in the course of the study. My lasting impression from these years of research is of a union movement full of wonderful women with a strong commitment to feminism, to unionism and to improving the working lives of New Zealand women.



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## CHAPTER 1: INTRODUCTION

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### Introduction

In 1991 the Employment Contracts Act radically changed the traditional pattern of wage bargaining in New Zealand. This thesis on feminism in the union movement presents research on unions for the female dominated occupations of clerical work, nursing and cleaning under the traditional labour relations system and under the new Act. It contributes to a first assessment of the Act's impact on collective organisation by women.

The central concern of this thesis is forms of collective organisation which may serve women in resisting the ways in which they are disadvantaged in paid employment. The progress that New Zealand women achieved in the 1980s towards, for example, equal pay for work of equal value and protection against sexual harassment owed much to the efforts of large unions with women leaders and female dominated memberships. Through studying unions for three typical but differing occupations for women, the thesis looks at how this progress was facilitated by the conjunction of a growing feminism movement with a particular pattern of wage bargaining and unionism organised around occupational labour markets.

The patterns of labour relations regulation are political outcomes reflecting the changing interests and unequal power of unions, employers and the state (Jessop 1979; Holt 1986). This research shows, however, that 'the unions' are not unitary but comprise groups of women and men in different employment situations with differing interests in labour relations regulation. The thesis looks at the way feminist unionists began to construct a new set of interests to be represented in bargaining and in the changing legislative framework. It takes a first look at how those interests have been set back as other partners in corporatism have withdrawn from New Zealand's 'historic compromise' (Jesson 1989:17) on labour relations.

## Feminism and Unionism

The kinds of work typically done by women, and the connection between these and what the Women's Liberation movement called the 'subordination' of women (Burton 1985), has been a focus of feminist theorising since the 1970s. Initial discussion centred on women's unpaid work in the family, its relation with paid work, and questions about who benefits from women's labour (Oakley 1984a; Kaluzynska 1980; Delphy 1981; Burton 1985; Novitz 1982, 1987; Baxter 1990). Attention then turned to the labour market itself and the way limited opportunities and low earnings contribute to women's dependence within the family (Walby 1986; Beechey 1987). Watershed theoretical work by Heidi Hartmann (1979, 1981) and Zillah Eisenstein (1981) recognised the gender division of labour as a key point of intersection in the complex relations between capitalism and patriarchy. The gender division of labour became a research focus for feminist historians and sociologists through the 1980s (Bradley 1989). They examined the connections between the active practices through which jobs are gendered as male or female, the segregation of men and women in workplaces and the labour market, and the gap between the average earnings of women and of men (Walby 1988:2).

The centrality that western society gives to the differences, rather than the commonalities between women and men (Oakley 1972) both underpins and flows from the gender division of labour and occupational segregation. Although the tasks which women and men perform vary historically and between cultures, the most persistent and most internationally consistent characteristic of labour markets is differentiation between 'women's work' and 'men's work'. Occupational segregation survives wars and economic crises, restructuring and technological revolutions (Cockburn 1988:32; Milkman 1987). Where populations vary by race (or caste) within a country or when labour processes are internationalised, certain occupations also become characteristic of particular racial groups as well as gendered (Mies 1990; Phizacklea 1988).

Research on the New Zealand labour market confirms this pattern of job segregation by gender and by race (Van Mourik, Poot & Sieger 1989; Smith 1982; Brosnan 1987, 1988; MWA 1991a, 1993). The number of occupational categories that are male or

female dominated or racially marked is slowly changing, but this has not disrupted the overall extent of segregation by numbers employed in those occupations (MWA 1991a:15).

In paid employment as well as in the home, work is a gendering process (Walby 1986) and occupations themselves come to be gendered within a discourse of masculinity and femininity (Cockburn 1985:169) that perpetuates job segregation and the devaluing of women's work. The most typical occupations for women reflect both the content and the gender relations of women's traditional responsibilities in the heterosexual family. This connection is strong in the three occupations whose union organisation is studied for this thesis: clerical work, nursing and cleaning.

In discussing the practices through which jobs become gendered and racially marked, Cynthia Cockburn argues that:

Behind occupational segregation is gender differentiation, and behind that again is male power, which has to be confronted directly. The slow and steady route to change is undoubtedly through women's autonomous organisation outside and inside trade unions and political parties, changing the nature of demands concerning training and work. (Cockburn 1988:41)

Feminist unionists in the United States<sup>1</sup>, Britain and other countries have been critical of the under-representation of women in positions of union leadership, particularly at national level, and of the difficulties women have encountered in trying to raise concerns specific to women members within male dominated union organisations (Crain 1991; Beale 1982; Cockburn 1984; Charles 1986; ICFTU 1991:43). Feminist historians have researched efforts by women to organise autonomously in ways which suited their own needs. These efforts have met resistance from male union leaders or fellow workers (Cobble 1990:520, 1991c:184-6; Kessler-Harris 1985; Milkman 1985, 1987). Early equal pay demands by unions were often to protect men's jobs rather than to raise women's wages (Boston 1980:41-42; Milkman 1987). Tensions with male unionists and accusations of disloyalty and divisiveness marked the 'limits of unionism'

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<sup>1</sup> United States views are favoured in this discussion since New Zealand's shift from occupational to enterprise bargaining in 1991 has parallels with changes in the United States after World War II which limited unions to organising and negotiating company by company (Cobble 1991a:432; Boxall 1990).

for women in the 1920s and 1940s (Milkman 1987:96; Kessler-Harris 1985). Dorothy Cobble reports that feminists in the United States initially 'dismissed unions as vehicles for female activism', sharing the view of some labour historians of unions as 'confining institutions designed to hold workers in check rather than to liberate them' (Cobble 1990:519). However, labour historians and labour relations analysts have tended to focus on male workers, under reporting the occupations and militancy of women (Hartmann 1979; Boston 1980:13; Dickens 1989; Cobble 1990:520; Roper 1984:1; Street 1993:vii-xii). More recently, feminist historians have begun to examine 'the specific conditions under which unions have been effective vehicles for female collective action and empowerment' (Cobble 1990:519).

Non-feminist commentators have often seen lower levels of unionisation among women (ILO 1988:4; Crain 1991:156; Sarr 1992:3; ICFTU 1991:40-41) as a problem pertaining to the women, not the unions (Moore 1986; Geare, Herd & Howells 1979; Griffin & Benson 1984, 1989). A typical focus is on family responsibilities and other barriers to participation, and women's concentration in occupations which are inherently difficult to organise. This study also confirms the importance of these factors for New Zealand women. However, as Marion Crain writes:

These justifications for women's unorganisability have relieved scholars and unions from the need to seek alternative explanations that would raise fundamental questions about the definitions of work, collective organisation and collective action, labour power, and the structure of labour law itself.

(Crain 1991:1158)

It is just such questions that this thesis seeks to raise.

Although the gendering of jobs and occupational closure against women (Witz 1988:74-78) are the means by which women are disadvantaged in the labour market (Walby 1988:1), Dorothy Cobble suggests that occupational segregation also offers potential for autonomous organisation and collective action among women (Cobble 1990:537). This thesis examines the way a particular pattern of corporatism in New Zealand involving unionisation on the basis of occupation facilitated autonomy and effective activism by feminist unionists.

Despite parallels with the experiences of feminist unionists in other countries, this thesis argues that the union movement in New Zealand has provided feminists with 'a vehicle for activism'. In the 1970s and 1980s progress was achieved on equal pay, a Charter of rights for working women, increasing union leadership by women, parental leave, sexual harassment complaints procedures, specific representation of women and Maori in union federations, equal employment opportunity programmes and - very briefly - pay equity legislation providing for independent assessments of the comparable worth of male and female dominated occupations. This thesis focuses on the way feminist unionists have organised autonomously inside and outside the union movement and through campaigns for legislative change. This route to change was not 'slow and steady' but rather rapid - although some 'limits' to unionism' and some political defeats have been experienced.

This progress was achieved within the context of a particular set of corporatist arrangements between capital, labour and the state which set the pattern of labour legislation until 1991<sup>2</sup>. Minimum wage rates were set for particular occupational labour markets by state arbitrated bargaining between a group of employers and a registered union with exclusive coverage of that occupation. From 1936 union membership was made compulsory by law for all those covered by such centralised wage settlements. This change supported the unionisation of women in low paid female dominated service occupations, improving rates of overall unionisation relative to other countries (Urban Research 1987; Hyman 1987; NZCWU 1987:12-13).

Unions were organised around the occupational award(s)<sup>3</sup> they negotiated. Awards were legally binding on all employers of the kind of labour described; that is, both the union and the award had blanket coverage of the market for specified types of labour. Even in unions covering female dominated occupations, 'union official' was almost entirely a 'male' occupation until the 1970s. It was only in the late 1970s that feminist

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<sup>2</sup> The traditional system of bargaining and the changes it underwent are detailed in Chapter 4.

<sup>3</sup> The term 'award' for documents setting wages is derived from Court arbitration of bargaining between unions and employers. When direct negotiations ('free collective bargaining') became an option after 1973, the word continued to be used for documents with blanket coverage of an occupation or industry, as opposed to 'agreements' between signatories only.



women began to move into more unpaid and paid positions in the unions to which they belonged, and to take advantage of the opportunities for political action that these organisations provided.

The concept of 'political space for women' was developed in historical work on women in United States unions (Milkman 1987:96-94, fn.49; Cobble 1990:541; Crain 1991:1169). Women created 'cultural space' by organising in women-focused ways which often had a social dimension (Kessler-Harris 1985). New Zealand feminist unionists also tried to increase the involvement of women members in their union in this way. However, the term 'political space' more accurately describes the way women-led unions and women's committees within the union movement were used as bases for organising gender politics within the union movement. It was from these political spaces that political campaigns were mounted, aimed at changes in labour relations legislation that would allow negotiation on matters specifically relevant to women in the workforce.

As feminism developed in the 1970s, both in New Zealand and elsewhere, women were entering unions:

...armed with a much more critical feminism than their seniors...adapting not only to the demands of union work but striving to alter its style and content.  
(Heery & Kelly 1989:201)

In the early 1980s feminist unionists in Britain, Italy and France were debating strategies in respect to equality rights, autonomous organisation among women and male power in union movements (Cockburn 1984:45). Many of the issues, debates and strategies of feminist unionists in New Zealand mirror women's union activism in other countries (Piva & Ingrao 1984; 'Antoinette' 1984; Elliott 1984; Ellis 1988), as ideas traversed national boundaries through feminist and union contacts. Autonomous organisation in women-only groups was an important feature of 1970s feminism worldwide. In New Zealand centralised bargaining and compulsory unionisation of large numbers of women workers in traditionally 'female' occupations meant some of the unions representing these workers provided feminists with the organisational power to address issues of specific concern to women, such as pay equity, equal employment opportunity, parental leave and sexual harassment.

The 'political space' offered by large private sector unions for female dominated occupations was an feature of the labour relations system itself, and had been important to the power of one charismatic male leader of the union movement through the 1940s and 1950s (Moynihan 1986:21,51; Scott 1952; Bassett 1972). What was new in the 1980s was that such spaces began to be filled by women. For the first time a few unions with highly female dominated memberships had women dominated executives and began to be led by union secretaries who were women.

This thesis examines one of the most important of these female dominated unions, the clerical workers union, which covered the lower paid levels of the private sector clerical labour market. An account is given of the concerns and strategies of the feminist unionists who led this union in the 1980s. A contrasting case study looks at unions organising cleaners, whose male leaders held a more traditional class- based analysis of the situation and interests of their women members. The third study is of an organisation for a strongly female dominated profession, nursing, which has always been led by women, but had historically been reluctant to consider itself a union. The case studies examine commonalities and contrasts between the organising situations and bargaining power of members in these unions. It explores the differences and similarities between the strategies adopted by the unions in response to their differing situations and differing potential for industrial action. The research focus is on the views of paid and unpaid officials as the unions' central decision makers, initiators and strategists.

The particular corporatist arrangements which developed in New Zealand, particularly from the 1930s, supported unionisation and bargaining by industrially weak workers, as well as regulation of unions with potential for industrial disruption. Most unions were organised on the basis of occupations, or a group of occupations (Brosnan, Smith & Walsh 1990:31). Because the awards negotiated had blanket coverage of occupational labour markets, unions could deliver benefits to large numbers of workers whose employers were bound by an award - including large numbers of women in service work which is not unionised in most countries (ICFTU 1991; Hyman 1987; NZCWU 1987:12-13). For unionised occupations, membership was essentially a requirement of employment (although legal mechanisms and the practical reality of

this varied over time). Because occupational unions reflected a labour market structured by gender, the unions which represented most women workers were female dominated organisations, and were large organisations by New Zealand standards. Some of these became effective vehicles for feminist unionism in the 1980s. Although some were industrially weak, they were able to wield a great deal of power, through voting based on membership numbers in the federal organisations of the union movement. In political arenas, their broad based campaigns for legislation change had the power to influence policy because of the potential of an identifiable 'women's vote' (Vowles & Aimer 1990:178). This study explores how feminist unionists organised together, and with women's organisations outside the union movement, to use that political power.

In addition to the few large female dominated unions in which women achieved leadership, feminist unionists created additional 'political spaces' in a series of women-only groups and committees inside and outside the union movement. These allowed women to meet, to learn from each other and to strategise across the boundaries of particular unions. Chapter 5 focuses on the organisational forms through which women organised in the Federation of Labour and its successor, the NZ Council of Trade Unions, in the 1970s and 1980s.

An interesting aspect of the case study of cleaners unions is the way standing committees for women, Maori and Pacific Islands members have been organised to provide 'political space' for these groups within the Service Workers Union. This struggle for representation in decision making through effective standing committees is a later reflection of a similar struggle in the mid 1980s within the Federation of Labour, discussed in Chapter 5. Organising through standing committees has allowed Maori and to a lesser extent Pacific Islands workers, male and female, to raise issues of specific concern to them as workers. However, these social groups lacked the numbers to dominate particular unions, as had been possible for women, although women-led unions and women's committees included some Maori and Pacific Islands women, just as Maori and Pacific Islands standing committees included feminist unionists. Evidence is given of close cooperation between these groups to achieve standing committees. However, all three case studies show both progress and

marginalisation of Maori and Pacific Islands concerns, such as tangihanga leave<sup>4</sup>, translation of information, and acknowledgement of the Treaty of Waitangi.

'Political space' in female dominated unions and women-only committees allowed women to discuss commonalities and differences, and to develop a set of feminist strategies. These offered an alternative to 'classic unionism'<sup>5</sup> - industrial action and workplace organisation through delegates - for sections of the female workforce for whom these tactics were inappropriate or ineffective for reasons which are explored in the case studies.

In the early 1970s and again in the 1980s Federation of Labour leaders favoured a loosening of the centralised arbitration of bargaining, to encourage a more active unionism in the classic mode. By the end of the 1980s, however, leaders of the new NZ Council of Trade Unions (NZCTU), comprising public and private sector unions, had develop a plan for 'strategic unionism'. This reasserted union political influence through a corporatist Compact which would ensure consultation at the highest level of union leadership and the Labour government. The difficulty with a common strategy to further 'union interests' at this level, however, was that the movement is made up of unions operating in very different occupational labour markets, with different concerns and differing degrees of industrial leverage. This thesis argues that, in a labour market structured by gender, changes in corporatist arrangements have gendered implications and debates about strategy within the union movement take on a gendered aspect.

This research was carried out between October 1990 and February 1993, at a time when labour relations legislation underwent major change, following a change of government. Theories of corporatism have been developed to study the patterns of interaction between capital, labour and the state and the resulting legislative frameworks for labour relations (Schmitter & Lehmbruch 1979; Lehmbruch & Schmitter

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<sup>4</sup> Tangihanga leave was successfully raised as a union issue in the 1980s by Maori and Pacific Islanders, because of greater obligations in relation to family and funerals than for Pakeha.

<sup>5</sup> The term is discussed in on page 28.

1982; Jessop 1979). In discussing studies of women affected by recession in Europe, Jill Rubery (1988:253-5) has commented on the difficulties of comparison between corporatist arrangements in different countries because other policy variations - fiscal, family, welfare and education - affect the labour market position of women. What this thesis presents, however, is a study of the effect of two different labour relations regimes on collective organisation by women within the context of a single country.

Changes directed at labour market deregulation also began in the 1980s, some of them in consultation with leaders of the union movement. A detailed analysis of the clerical workers, nurse's and cleaners unions reveals that the short period of voluntary unionism introduced by National in 1984 and the repeal by Labour of compulsory arbitration for unsettled award negotiations signalled the more major effect that the Employment Contracts Act, 1991 would have on low paid women workers.

The key difference between occupational award bargaining supported by conciliation and arbitration mechanisms and enterprise bargaining introduced by the Employment Contracts Act, 1991 was that the traditional regime had facilitated collectivism while the new one individualised employment bargaining (Hince 1993:10; McAndrew 1992). These differing philosophical approaches were clearly discernible in the discourses which informed legislative changes in the 1930s (Olssen 1981:277, 1986) and in the 1990s (Upton 1987; Walker 1989; Hyman 1992; McAndrew 1992:260-1). Under the new Act, the bargaining outcomes documented in the case studies highlight the fragmentation typical of low paid sections of the female workforce and the consequences of this for their bargaining power. The different organising situations and bargain outcomes for different kinds of workers which are explored in this thesis indicate that the concentration of women and non-Pakeha in the lower paid 'secondary' labour market is an outcome of segregation into occupations with little opportunity for collective solidarity and little industrial leverage with which to back bargaining positions.

As this thesis was being written, research at a more aggregate level (Harbridge & Moulder 1992; Hammond & Harbridge 1993; Sarr 1993) and labour force statistics (Statistics NZ 1993a&b) confirmed the analysis of these studies of clerical workers, nurses and cleaners unions with respect to the impact of the Employment Contracts

Act on women workers. These first research results indicate that the change to enterprise bargaining is further marginalising women in the labour market. Despite the increased involvement of women in their unions since the mid 1970s and more women in positions of leadership, these changes to the legislative framework for labour relations appear to be what Rosemary Pringle and Sophie Watson (1992:57) have described as 'government conducted as if men's interests are the only ones that exist'.

### **What's Interesting About Women's Interests?**

The case studies that form the core of this thesis and the account of feminist unionism which precedes them show feminist unionists coming together to articulate collective interests and political strategies across the differences arising from particular industrial situations or occupations.

German sociologists Claus Offe & H. Wessenthal (1985) have formulated theories of collective action by looking at the way unions articulate collective interests through the subordination of individual self-interests in order to reap collective benefits, through the development of collective identity. A tension between the individual and the collectivity has been at the heart of debates in New Zealand on compulsory unionism and bargaining 'reform'. It is built into the Employment Contracts Act itself, in the emphasis on freedom of association and 'choice' between individual and collective contracts.

The achieved character of collective interests lies in not just identifying commonalities between individual interests or what members 'really' want through democratic decision making structures and improved communication. Those commonalities need to be filtered through a wider understanding of other members' situations, of the arenas in which union interests are pursued and the implications of various outcomes or changes for the collectivity. These understandings are fed back to members as part of a two-way flow which Offe & Wessenthal (1985:193) term 'dialogical communication'. Providing that wider analysis is part of the job for which union officials are elected or hired - which is one reason this research focuses on the views of union officials. Overcoming the distortion of members' interests by a dominant culture and

ideology based on employers' interests in a capitalist economy (Offe & Wissenthal 1985:198-200) requires not only the development of union consciousness among members, but of an analysis of the social relations involved in employment and in the wider political economy.

But more than one set of social relations is involved. For feminist unionists interviewed for this research, problems of 'dialogical communication' in unions were understood within a feminist analysis which recognised gender relations (and by the 1980s, race relations) as a central dynamic of social inequality. In the chapters ahead, union education for women and political campaigns on women's issues can be seen as forms of 'dialogical communication' to strengthen collective identity among women and to influence what constituted the collective interests of 'the unions'. The opportunity is taken in this introduction to highlight the different arenas in which feminist unionists constructed and pursued a distinct set of 'women's interests' within unionism.

In discussing feminist politics in relation to the state, Pringle and Watson (1992:6069) argue that 'women's interests' are by no means pre-given. In the process of responding to some issues but not others, 'women's interests' are 'constructed' within particular discourses through a process of engagement with the machinery of the state. This machinery, particularly in New Zealand and Australia, includes corporatist arrangements governing labour relations and the union movement itself which have operated through regulation of occupational labour markets.

New Zealand's traditional pattern of corporatism developed within particular historical and economic contexts and within a discourse of social equality and the right of workers to bargain collectively, but also debate about the social costs or limited effectiveness of industrial action (Olssen 1986, 1988; Olssen & Richardson 1986; Simpson 1987, 1990). As discussed in Chapter 4, the arbitration of occupational awards for minimum wages and conditions benefited industrially weak workers while curbing militant unions (Holt 1987; Simpson 1987; Franks 1987; Walsh & Fougere 1987:188). Despite the institutionalisation of unequal male and female wage rates until 1972, this system benefited low paid women workers (Robertson 1992; Urban

Research 1987:12; Hyman 1987:9; NZCWA 1987) by supporting collective bargaining across fragmented workforces.

It was on this base that the feminist unionist activism of the 1970s and 1980s was built. This research shows the way specifically 'women's interests' were articulated within that framework for wage bargaining and unionism, within the light of a developing feminist analysis. These collective interests of women were constructed both within particular unions and across unions in ways which, as Pringle and Watson (1992:54) suggest, opened up new strategic possibilities.

In the chapters which follow, feminist unionists are seen constructing and representing 'women's interests' in several ways. Within particular unions, addressing members' concerns as women at work was a response by unionists to criticisms about compulsory unionism and inadequate servicing of members' workplace problems. This was 'dialogical communication' to reconcile the individual and collective interests, but in bringing a feminist analysis to the situation of women members feminist unionists began to construct a new set of collective interests. The goal of feminist unionists was not only to make the union more relevant to women members, but to use union organisation among women to pursue 'women's interests' in relation to gender inequality.

The collective interests of women in different unions were articulated in the Working Women's Charter (Dann 1985:70; Appendix 1) by women organising as much outside the union movement as within it. These were spoken of, not in terms of 'interests', but as 'women's issues' - as concrete items for negotiation with employers, or for remedy through legislation. A high level of support from women union members had to be demonstrated before the Charter was adopted as Federation of Labour policy.

The issues addressed by the Charter had their origins in gender relations at work and in the labour market, and in the links between women's paid work and unpaid work in the family. As feminist ideas spread and developed in the 1970s and 1980s, gender relations and women's paid housework were being debated much more widely than just in the union movement (Dann 1985). Some Charter items, such as reproductive



rights and childcare, were pursued by women primarily in arenas other than the union movement and addressed through changes in government policy (Dann 1985; Briar, Munford & Nash 1992). Those related most closely to employment relations - sexual harassment, equal employment opportunity and pay equity - were taken up in campaigns led by feminist unionists. Although current state policy was implicated in all these areas (Du Plessis 1993), these 'women's interests' were 'identified' by members as relating to their own experiences and as interests constructed within the constraints of gender relations, through a feminist analysis. State policy and legislation presented a possible solution.

As issues arising from 'women's interests' within gender relations at work, the Charter and campaigns on sexual harassment and employment equity drew support from women at various levels of collective organisation - in unions, in the union movement, through women's organisations (both overtly feminist and more traditional), and through women in political parties (Corner 1988; Woodley 1993; Wilson 1992). These issues then became part of 'women's interests' within the area of electoral politics (Hill 1993b; Du Plessis 1993).

Feminist unionists also constructed 'women's interests' in relation to the organisation of the union movement itself. Initially these focused on the underrepresentation of women in union leadership and lack of attention given to issues of concern to women members. When difficulties were met in implementing the Charter and in achieving policy on sexual harassment and workplace pornography, feminist unionists began to examine the organisational structures of unions and the union movement. Standing committees to allow specific representation of women and Maori on Federation of Labour and NZ Council of Trade Unions executives and in some unions were a strategy to further 'women's interests' within the constraints imposed by decision making structures which continued to be dominated by men. Analysis of information from the clerical and service workers unions suggests that support for standing committees from less active members depended on their level of understanding about how gender or race relations are institutionalised in organisations (see pages 135-6 and 513). Feminist unionists also considered that women's interests would not be served by restructuring union by industry rather than occupation as this would reduce

the number of highly female dominated organisations in which women could achieve 'political space'.

Pringle and Watson (1992:68-69) see 'women's interests' as never fixed and coherent; they are actively constructed within the shifting constraints which result from the outcomes of past struggles in different arenas of the state. In this research their specific argument applies most closely to the responses of feminist unionists to moves towards deregulation of the traditional framework for bargaining. Because of the gendered structure of the labour market, corporatist arrangements and changes to them have gendered implications. But the correlation between gender and collective interests in the regulation of bargaining was not as clear cut as on the issues discussed above.

With regard to voluntary unionism, arbitration of award negotiations and the fuller deregulation of the Employment Contracts Act, 1991, the construction of collective interests on which alliances and collective action can be built is complex. Here differences in organising logistics and industrial strength between female dominated occupations cut across commonalities on 'women's interests' in relations to issues like sexual harassment and pay equity. Similarities of position could be found between female dominated occupations with male as well as female leadership, and also with some unions for male dominated occupations. Outcomes of bargaining could not, moreover, be directly predicted on the basis of these positions. In some negotiations, factors related to the bargaining strength of workers were crosscut by employer strategies related to other management concerns. These are some of the complexities that arise in the course of the case studies.

### **Case Studies and Contexts**

Rather than providing a single chronologically organised narrative, this thesis moves backwards and forwards in time, analysing the contexts in which these female dominated unions operated before engaging with the detailed evidence of particular case studies. Chapters 3, 4 and 5 examine the contexts of labour market segregation, corporatist change in the labour relations framework, and feminist organisation within

the union movement. Chapters 6, 7, 8 and 9 present case studies exploring the strategies adopted within these contexts by unions for three different female dominated occupations. These strategies are shown to reflect both the concrete situation of the occupational workforce and the differing social analyses held by key decision makers with regard to gender, race and class relations. Chapter 10 draws some conclusions at the level of similarities and differences between these cases within the context of strategies for the union movement as a whole. The short concluding chapter returns to more abstract consideration of corporatism and gender.

At the core of this thesis are the three separate case studies of unions representing three typical occupations for women. These provide insight into the small world of each union and an understanding of the daily realities of organising a particular section of the labour market for women's work. The focus is on union officials, paid and unpaid, elected and appointed. Quotations are used extensively, allowing the voices of those interviewed to be heard directly. Interpretation and discussion occurs largely in other chapters to preserve the integrity of these separate accounts.

Presenting the material as case studies, rather than thematically, preserves the unitary character of each of the organisations under study (Crompton & Sanderson 1990:20). This allows not only positions on particular issues to be considered, but also reveals the full complexity of factors which shape each union, and the creative tensions, internal and external, out of which their responses develop. As Crompton & Sanderson write:

Because case studies are holistic, they facilitate theoretical/logical thinking, that is, causal explanations...(They) are analytical rather than illustrative if they are embedded in an appropriate theoretical framework. Their utility rests upon their capacity to explain. (Crompton & Sanderson 1990:21)

Several themes run through the case studies and the chapters which contextualise the analysis of these unions. The first theme is the organisational forms and strategies which feminist unionists developed in the 1970s and 1980s. A second theme is the pattern of labour relations regulation which has underpinned those organisational forms, and the effects of legislative change on the unionisation, bargaining power and activism of women. A third theme relates to tensions between feminist unionism and

'classic' unionism. This examines the industrial situations of these female dominated occupations with regard to strategies proposed by leaders of the union movement in response to recession and corporatist change. Weaving through these themes is a thinner thread, that of Maori and Pacific Islands union members and the representation of their collective interests through the union movement.

Through the case studies and contextualising chapters particular issues related to these themes are revisited. Discussion of the contrasts and commonalities between the unions studied is directed at challenging assumptions that 'the unions' are homogeneous.

A more diverse reality is presented. The aim is to develop a more sophisticated understanding which acknowledges the particular situations in which women are placed in the labour market and validity of the strategies which they adopt. Setting these case studies in their changing contexts aims to provide not only insights into particular unions but a more sophisticated view of the role of unions in the creation of particular patterns of corporatism.

## CHAPTER 2: METHODOLOGICAL ISSUES

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### Introduction

Methodology is the means by which theory and information are interconnected (Harding 1987:3) - not only through particular research methods, but at a more basic yet less obvious level, through assumptions about social reality and about knowledge which affect choices of research subject and design, and how information is interpreted. Before engaging with the evidence and arguments of the thesis itself, the opportunity is taken here to reflect on the process of the research and to make explicit the theoretical orientations which underlie both this research and the thesis. Some key concepts encountered in the thesis are defined, and some decisions on research design and thesis presentation are explained.

This thesis draws on socialist feminist theorising which brings together two bodies of social theory, marxist and feminist, with differing theoretical objectives and emancipatory goals (Connolly & Segal 1986:18). Similarly, the writing of the thesis is an attempt to blend two sets of intellectual conventions, feminist and sociological, between which there are both connections and tensions (Cook & Furnow 1986; Smith 1991). Sociology seeks to understand the social mechanisms that shape individual experience. In the process it routinely depersonalises and depoliticises analysis by attributing agency to abstractions (Smith 1991:163), just as I am doing in this sentence. This convention has its uses in making the patterns of social processes discernable amid a lived chaos, though its history lies in a now largely outmoded claim to credibility as 'objective science'.

In critiquing claims to objectivity, many feminists social researchers have emphasised the subjective experience at the base of both action and the production of knowledge (Cook & Furnow 1986; Smith 1987), returning always to the feminist principle that 'the personal is political'. A socialist feminist approach focuses on **social relations**, rather than abstract categories, exploring relationships between different sets of women and

men through their interactive social practices and social institutions. From such a base flows a dialectical epistemology in which objectivity and subjectivity cannot be kept apart; it is their interpenetration which leads to knowledge (Ring 1987:761). Different positions within the social relations of gender, race and class, and the social structures - such the labour market - which result from the ongoing practices of such relations, mean that women's experience and knowledge will be different from men's, and there will be differences of experience and knowledge among different groups of women. As Nancy Hartsock comments:

In any society with systematically divergent practical activities, one should expect the growth of logically divergent world views. That is, each division of labour, whether by gender or class, can be expected to have consequences for knowledge. (Hartsock 1983:286)

In researching unions for three different but typical occupations for women, research for this thesis used qualitative methods to gather the subjective experience and knowledge of union officials organising groups of women in different positions in the labour market. This knowledge is presented through case studies, allowing the voices of officials to be heard through extensive use of quotations. These views from different positions in the labour market are used to explore structural relationships, such as the relation between the occupational segregation of women and particular patterns of union organisation, and the impact of two different labour relations regimes on a labour market structured by gender and race.

The project of this doctoral research has been to practice both feminism and sociology, and to further the relationship between them by drawing on the conventions of each. Subjective experience, personal knowledge and language are drawn on to extract material on issues, strategies and organisational forms from the personalities and party politics involved. In the tight little union world of a workforce of a mere one-and-a-half million, individuals are active agents engaged in political change. In recording and analysing recent changes in labour relations and their consequences for women, in telling the stories of these unions, I am myself both recording history and actively engaging in politics.

## Points of Departure

This study was sparked by my curiosity about the tactics of unions with predominantly female members in the late 1980s. In 1989 as I began graduate studies, unions were struggling to settle three major awards for female dominated occupations; nurses in public hospitals held their very first one day strike; the Pay Equity campaign was in full swing. These issues for working women were brought to my attention not by the news media but by street stalls, petitions, badges and stickers. Something different was happening with unions - or was it just some unions?

Yet when I sought academic enlightenment about New Zealand unions through university libraries what I found was marching miners and striking seamen. International literature on labour relations and labour process generally equated labour with factory work by men. There was little that connected unionism or marxist analysis with my own work experience or that of my mother, sister and women friends. The starting point of this study was therefore the selection of three occupations in which women are typically employed - nursing, clerical work and cleaning. All are in the service sector in which three-quarters of New Zealand women work (Dept Stats 1988-89:331). Reasons for selection and contrasts between these typical 'women's work' occupations are discussed in Chapter 6 before the case studies themselves.

The 1970s and 1980s has been a period of considerable change in the New Zealand economy and in labour relations. In 1989 I undertook a short exploratory study of the clerical workers unions (Hill 1989). As I began to plan this doctoral research in 1990, the pace of change was increasing. Voluntary union membership, bargaining reform and union amalgamations were all likely during the period of the research. How would these changes affect the female dominated unions I had selected? How and why would their responses differ? What were the strategies of these unions with regard to members, employers, the state and the union movement? Were the strategies of unions with a majority of women members feminist? How did women unionists perceive feminism within the union movement?

These were some of the initial questions which shaped the research on which this thesis is based. As I began interviewing unionists, I learned of the issues which preoccupied officials. Each union group was faced with a distinctive set of problems and dilemmas arising out of the situation of their members. Issues arose from the nature of the work, the employment relation, workforce distribution and the problems of the industries in which members were employed. There were also issues about how these unions should be organised and questions about the organisation of the union movement as a whole. Some of the union officials with whom I spoke offered feminist analyses of the situation of their members and were developing explicitly feminist strategies. I then began to ask why some of the unions in which women are concentrated pursued strongly feminist strategies while others did not?

Questions were raised or highlighted by research and analysis emerging from other sources. As part of the fourth Labour government's policy development on employment equity, two reports had explored issues of occupational segregation and average pay differentials between women and men (Urban Research 1987; Wilson 1988). During the study period the National Advisory Committee on the Employment of Women (1990) produced a report on women's employment and government policy, and the Ministry of Women's Affairs (1991, 1993) undertook detailed study of occupational segregation.

This research also drew on a growing international socialist feminist literature exploring the systematic structuring of labour markets by gender and race. Research showed that horizontal segregation between occupations and vertical segregation within occupations and organisations, though persistent, was not invariable (Witz 1986, 1988; Milkman 1987; Mark-Lawson 1988; Bagguley 1991). It was shaped by active practices and active resistance in concrete historical and cultural contexts. This reinforced the importance of gender as an important issue for any examination of labour relations and unionism. It also indicated the importance of examining the specific situation of a set of female dominated occupations in a context of rapid change.

Yet research on the labour market in New Zealand had pointed out that the gap between average male and female earnings, while persistent, was narrower in New



Zealand and Australia than in most other industrialised countries. A significant factor in this low wage gap was centralised wage fixing through state regulated awards (Urban Research 1987:12; Hyman 1987:9). From the late 1930s, women in low paid, isolated and often parttime service occupations were covered by minimum rates of pay negotiated by unions. This is not the case for women in similar occupations in most other OECD countries (Hyman 1987; ICFTU 1991). This raised questions about how different institutional arrangements with respect to wage setting and unionisation affect the economic position of women.

Questions about the impact on women of legislative frameworks and union organisation was also of importance in examining the achievements of feminist unionists in the 1980s. A decision was made to focus on unions representing three contrasting sets of women workers in order to highlight the difficulties and opportunities of groups of workers differently placed in the labour market. The case studies of unions of nurses, clerical workers and cleaners also suggest which organisational structures, institutional supports and strategies might encourage collective organisation and effective bargaining by working women. What kind of unionism and what kind of labour relations framework best provides women with a base for resistance to the active practices which maintain women's disadvantage in the labour market?

Sociological theories on the state, corporatism and unionism were also relevant to what I learnt about organisational structures and institutional supports, highlighting apparent contradictions to be explored (Offe 1984; Franzway, Court & Connell 1989; Pringle & Watson 1992; Jessop 1979; Lehmbruch & Schmitter 1982; Offe & Wissenthal 1985). Had New Zealand's traditional corporatist arrangements improved women's pay rates or institutionalised pay inequality between men and women? Was a predominantly male leadership of the union movement a reason why women unionists looked to politics and legislation to address equity issues for women? While efforts were being made to involve women more in their unions, had centralised bargaining requiring little membership participation provided feminist unionists with the 'political space' to organise around issues they considered important to women workers?

The final shape of the thesis was significantly affected by the Employment Contracts Act, introduced midway through the research in May 1991. Although it will take some years to fully assess its impact on women workers, the situation of these unions before and after the implementation of the Employment Contracts Act became a central focus of the research, reshaping and helping answer some of the questions raised.

### **Bringing Feminist Theory to Union Research**

Like the unions it describes, this thesis is set within intersecting discourses of feminism and unionism. It draws on and will, I hope, contribute to the growing international body of socialist feminist theory, as well as to local political debate. The connection between theory, research design and thesis formulation has, however, been rather different from the linear process which my sociology methods classes led me to expect.

I commenced the research from a clear socialist feminist theoretical standpoint, circa 1989, and began reading my way into an literature which analysed the 'labour process' and 'labour markets', as well as local debates on economic and labour relations policies. I expected 'theory' to be largely confined to the first six months of the study period and 'analysis' to a six month period at the end of the 'empirical research'. It wasn't like that. Continuing political change relating to labour relations demanded constant analysis and led to the research continuing beyond the date I had set for completion of the project. Long after the formal interviews, unionists continued to tell me of likely contract breakdowns or organisers made redundant. Researchers continued to produce analyses of data gathered during the period of my research - any cutoff point to information gathering seemed entirely artificial and would render my work instant history. Because of the one or two year time lag between publication outside New Zealand and my access to the latest feminist theory on women and work, theory fed into research through the whole period. In addition, each time I referred back to feminist theorists read earlier, my response differed, shaped by my understanding of local changes and of the unions under study. New levels of understanding arrived seemingly by themselves, when I had to explain something basic or woke at

3 a.m. The relation of theory to data was not linear, or even exponential; it was just as Alison Jagger (1983:364) describes it, an 'upward spiral'.

In a dialectical epistemology, as Jenny Ring (1987:963-966) theorises, knowledge is dynamic not static. Since constant change is presupposed, knowledge can never be final or complete.

The path towards momentary 'truth' in dialectics is chaotic, the affirmation of conflict, knowledge following action, wisdom taking flight at dusk, after the day's disorder subsides. This means that subject and object, ideas and 'material reality', consciousness and history, thought and action, theory and practice, must all confront each other, must be experienced as irreconcilably in conflict, before a temporary resolution does, surprisingly, emerge.

(Ring 1987:763)

This describes accurately my own, rather less poetic, experience of research and analysis, and also the continual process of experience, conflict, analysis and strategising that I witnessed among union officials.

Feminist critiques of sociological claims to objectivity discuss the importance not only of preserving the subjectivity of research subjects in the text, but also of making the subjectivity and positioning of the researcher visible to the reader. That is the purpose of this chapter. As a sociologist and researcher who is gathering, presenting and interpreting the views, political positions and strategies of feminist unionists and other union officials, it is appropriate to make my own 'feminist standpoint' clear (Hartsock 1983; Jagger 1983:369-389; Smith 1979:163-172). To do this I want to discuss broader socialist feminist theorising which underlies the analysis in this thesis. This is not a discussion of varied feminist positions and on-going debate, however, but rather an expression of the theoretical perspective which I brought to this work.

Underlying this study is an personal ontology of women and men as inherently social beings, and of society as a complex of social relations between individuals and between communities of people. We are all expert practitioners in our everyday worlds (Smith 1979:110), actively engaged in the social relations which produce and reproduce society. However, social practices in western society are characterised by unequal power and material resources which perpetuate and create social inequality.

It is the institutionalisation of these practices in expected behaviours, traditions, institutions of the state, laws and other 'social facts' that 'structure' and constrain our continuing practices within unequal social relations. It is women's struggles within and against particular institutionalised forms of social organisation that is the subject of this thesis.

✓ Socialist feminists recognise the inequalities of western society as arising out of social relations of gender and class (Hartmann 1981; Jagger 1983) - with a slightly belated recognition of the social relations of race (Barrett & McIntosh 1985; Bhavnani & Coulson 1986; Phizacklea 1988; Bruegel 1989; Smith 1991). Patriarchy, racism and capitalism have been understood as whole systems in the marxist sense of sets of social relations based on a division of labour which is hierarchical and exploitative and facilitates the accumulation of benefits, control of resources and power in the hands of, respectively, men, whites, and capitalists - who, in fact though not necessarily in theory, are usually white men. The converse outcome of the gendered and racially marked division of labour through which these systems interlock is increasing poverty and disempowerment among brown women, both in New Zealand and internationally (Scott 1986; Mies 1986; Phizacklea 1988; Hill & Harvey 1990; Evans 1993; Stats NZ 1991a:23, 1991b:28, 1991c:108).

While capitalism, patriarchy and racism as systems may benefit from the mutually reinforcing, dialectic relationship between them (Eisenstein 1979), closer examination of practices in local contexts shows that gender, race and class are separate, if overlapping sets of material practices, each rationalised by norms and social stereotypes. Variations over time and between cultures are shaped and limited by inherent contradictions between each set of practices and their attendant ideologies (Franzway, Court & Connell 1989:26). It is in these shifts and contradictions that leverage for resistance is often found. Campaigns for equal employment opportunity and pay equity, for example, draw on the contradiction between the ideology of individual rights, individual merits and market exchange between equals through which capitalism is rationalised, and the reality of discrimination, segregation and low earnings experienced by women and racial minorities.

Gender, race and class are not merely demographic attributes, nor a simple juxtaposition or hierarchy of categories, but are social relations between individuals and between groups of people (Smith 1987:29-32). Each involves sets of complex practices, with the relationship between the three equally complex. Gender, race and class relations pattern and structure our society but they are not equally important in all situations. Although inequalities of power are central to class relations, gender and race, outcomes are not always predictable but are negotiated and contingent. The detailed pattern of divisions of labour - between men and women, those who buy labour and those who must sell it, colonisers and colonised - and associated cultural norms therefore show variation over time and between localities. These are a consequence of changes in production and the economy, both local and global, changes in family formation, and of ongoing and unequal resistance to practices producing inequality. In each situation, the particular intersection or importance of gender, race or class relations will differ.

Dorothy Smith has argued that a 'sociology for women' should 'begin where women are', taking its problematic from the active concerns of women and creating a space for them as subjects whose voices are frequently absent from positivist sociology (Smith 1987:107). Starting from the standpoint of subjects in their everyday experience, a sociology for women preserves their presence as knowers and as actors (Smith 1987:105) but sets this knowledge in the context of wider social relations by exploring its historical, national and international context. It attempts to provide a map of relations beyond the immediate that can enlarge the subject's grasp of the world **from where she stands** (Smith 1987:106). It is an inquiry which suggests 'this is how it works' in ways that women can check against their actual experience (Smith 1987:122).

This understanding of sociology has informed the selection of topic and methods of inquiry used in this research, as well as the presentation of research material. It is active practices of unionists in a particular historical setting that are recorded and analysed in this study. Starting from where women are in a New Zealand labour market structured by a gendered and racially marked division of labour, I examine the position and strategies of particular unions representing predominantly women workers

within the regulatory frameworks for labour relations negotiation. A feminist analysis of those frameworks in the light of the case studies indicates how changing patterns of labour relations regulation have worked for women, and how feminist unionists have acted to widen the legislative framework for labour relations to include matters specifically relevant to women workers.

But offering an account of feminist unionist activism and identifying feminist strategies requires some discussion of the term 'feminist'. In this thesis the term feminist is used to describe unionists or strategies which confront inequalities produced by the social relations of gender. In the context of this study of women and unionism, feminist unionists are those women members or officials who explore the juncture of gender relations and employment relations and who recognise the importance of these in making unionism relevant to women. After the passing of the Employment Contracts Act, however, some of the most overtly radical of the feminist unionists I interviewed were exercising pragmatism in identifying 'women's interests' on behalf of members.

*"Personally I am a feminist but my feminist views have moved significantly since the 1970s to now, the 1990s, twenty years. I am also a pragmatist and a realist, so the bottom line is what is serving the interests of our members...What our members are saying is (a) they want jobs, (b) they want their pay packet to stay the same."*  
(NZNU Elected Officer, May 1992)

As Charlotte Bunch (1983:250) points out, 'Feminism is an entire world view or gestalt, not just a laundry list of 'women's issues'. The construction of 'women's interests', and strategies defined in this thesis as feminist, were developed within a context of ongoing gender relations and changing state regulation (Pringle & Watson 1992). Nancy Hartsock (1983) argues that the gender division of labour forms the basis for a 'feminist standpoint' when the experiences and contradictions of systematically differing male and female activities lead to a questioning and analysis of social relations and social structures. Such an understanding rejects dominant ideologies about appropriate roles and relations between men and women. In a similar vein Offe & Wessenthal (1985) point to the role of unions in overcoming the distortion of workers' collective interests by dominant ideologies in a capitalist society. It is not experience directly but the analysis of experience that leads on to collective action for change. In this thesis the term 'feminist unionist' is used to describe women activists with both a feminist analysis and an analysis of employment and class relations. It is used:

...to indicate both the achieved character of a standpoint and that a standpoint by definition carries a liberatory potential. (Hartsock 1983:289)

This thesis drawn on accounts by feminist unionists to construct an account which highlights and problematises gender inequality in the labour market. This does not universalise one viewpoint to all women, but emphasises commonalities between the situations and experiences of different groups of women workers which result from the way gender relations are organised through paid employment (Smith 1979:163, 1987: 87; Hartsock 1983:290).

The case studies explore differences as well as similarities among women in particular female dominated occupations. The situation and the strategies of some women-led unions representing predominantly women members are contrasted with mainstream union strategising and labour relations politics, which reflect a dominant 'malestream' standpoint in which women's experiences are marginalised.

A second concept which requires discussion is 'classic unionism'. This term is not an academic one, but is taken from current debate among unionists and from interviews. The specific phrase was spontaneously used by a NZCTU official in discussing the demise of the NZ Clerical Workers Union. 'Classic unionism' refers to tactics and strategies which were effective in the historic development of unionism: workplace organisation through delegates, class consciousness, pickets and strike action. However, these tactics have typically been used by unions covering male dominated occupations in production industries where members were concentrated on large worksites. Among New Zealand unionists the term 'classic unionism' is frequently used in criticism of the strategies identified here as 'feminist'. A question that this thesis addresses is why some predominantly female unions were not practising 'classic unionism' in the 1970s and 1980s and why they were doing things differently.

The case studies focus on the differing situations of women members within each union and the strategies adopted by each union. The term 'strategy' needs brief consideration. In discussing management strategies, Craig Littler (1991:51) considers that choices made within constraints that fall into a pattern may be legitimately be referred to as a strategy. Thus historic union strategies to unionise and negotiate

awards for the whole workforce may be analysed as strategies which benefit women, whether or not that was a specifically articulated intention. Strategic directions by Federation of Labour or NZ Council of Trade Union leaders may be similarly analysed as strategies which marginalise women, Maori or Pacific Islands workers without inferring conscious intent to achieve that effect. When changes to wage bargaining for public servants fall into a pattern of labour market deregulation publicly advocated by the Business Roundtable, then it may be concluded that the government is pursuing the same strategy as large business employers - whether or not this is actually stated by government.

As will be seen in the chapters ahead, the strategies of feminist unionists were consciously developed, both by particular unions and across the boundaries between unions. Chapter 5 focuses on the way feminist unionists organised a series of autonomous political spaces in which they could come together to construct common interests and develop strategies to pursue them, inside and outside the union movement.

Like the Labour Relations Act, 1987, this thesis adopts the term 'labour relations' rather than industrial relations, to avoid images of heavy industry and factory work which are inappropriate to the work of most New Zealanders. However, this substitution would not be meaningful for the terms 'industrial action', 'industrial muscle' or 'industrial leverage'. Industrial action may include tactics like pickets, work-to-rule and other tactics as well as more narrowly understood 'strike action'. 'Collective action', discussed in Chapter 11, is shown by these case studies to include a broader range of tactics and strategies than industrial action. In the case study on nurses, however, I take my language from nurses' own debate on strategy and the ideal balance between 'the industrial' and 'the professional'.

## ✓ The Research Process

In keeping with an understanding of gender as social relations between sets of people, rather abstract categories to which attributes are ascribed, the research question was posed at the collective level of organisational response and strategies directed at



change. At this level, the choice of interviewees was structured by a rather pragmatic view of how unions operated within New Zealand's highly centralised labour relations system. Small numbers of officials and active members are the key decision makers and strategists in each union. A small core of officials, paid and unpaid, are responsible for the management of the union and for acting on the collective interests of members.

The main research method was loosely structured in-depth interviews with unionists who were (or had been) in official positions with unions covering clerical workers, nurses and cleaners. Union secretaries, presidents, executive members, organisers, specialist officers such as educators, researchers and legal officers, and some delegates were interviewed but the focus was on fulltime paid officials. In all 110 interviews were conducted between October 1990 and October 1992. By this time the unions studied had negotiated - or failed to negotiate - their first round of contracts under the Employment Contract Act.

The situation of each organisation was studied, exploring the small world of each union and of the union movement through the eyes of these officials. These decision makers and strategisers were seen to be actively engaged with employers, members, the state and the wider union movement. The aim was not to interview all the officials of each of the selected unions but to gain an understanding of each unions through discussions with officials involved in a variety of positions within it. Some key officials were interviewed two or three times over the two year period, to follow closely their understanding of events and monitor strategies as they developed. This contributed to a layering of information about each union and the union movement from the perspective of different union officials.

Interviews with officials of my selected unions gave rise to a 'snowballing' of issues to pursue and further people to interview. I soon learned that the feminist strategies and organisational changes within my unions took place within the context of wider feminist activism in the Federation of Labour, the public sector unions and, after 1987, in the NZ Council of Trade Unions. The processes and strategies about which I was gathering information were not adequately explained in isolation, but needed to be

analysed in the context of feminist strategies within the wider union movement. This snowballing was insidious: there seemed always to be more fascinating and vitally interconnected issues to explore and more women I just had to talk to if I was to arrive at an adequate understanding of these unions and of the development of feminism within the union movement.

Interviews were supplemented by study of union documents, such as information material for members, research and discussion papers, submissions to government on proposed legislation changes, and newspapers, journals and leaflets produced by the unions. Some of these are specifically referred to in later chapters, as are papers and publications by the NZ Council of Trade Unions. I followed newspaper and television coverage of industrial disputes and legislative changes. I studied past and concurrent academic analysis of labour relations in New Zealand, as well as researching past legislation and labour history. I attended some membership meetings of my selected unions, regularly attended meetings of the Christchurch regional women's CTU committee in 1991 and went to the 1991 National Women's CTU biennial Conference in Wellington. During the research period I was involved in the campaign for employment equity through the Coalition for Equal Value, Equal Pay and from the end of 1991 went on the management committee of the Auckland Working Women's Resource Centre.

The access that unions granted me and the openness with which officials spoke was remarkable and greatly appreciated. The difficulty was organising interviews around the pressures of their extremely high workloads and continual grievances, disputes and crises which sometimes took priority over interview arrangements. Active unionists are political people, and despite the differences of position and opinion among them, their understanding and analysis of labour relations and its politics enabled me to grasp the complexity of the context in which they operated.

In all, 110 interviews with 86 officials were conducted over the two year period; most lasted about one and a half hours. Interview tapes were laboriously transcribed by the cheapest and fastest typist available - myself - at a ratio of scholarship grant to labour time that threw into serious doubt the value of higher education. Highlighting and marginal annotation of the transcripts and other documentation allowed the material

to be grouped into topic areas and woven into draft working papers on each union which were returned to the unions concerned. These papers were structured to explore the relationship of union officials with their members, the employers, the state and the rest of the union movement. Interviews conducted on the impact of the Employment Contracts Act and the 1992 round of negotiations updated these working papers, and work began on rewriting the material for the final thesis. The discussion of feminist and unionism in Chapter 5 draws on interviews with 18 women and two men, as well as documents from the Wellington Working Women's Alliance, Auckland Working Women's Council, Auckland Working Women's Resource Centre and NZCTU women's committees. Some of those interviewed had been involved in several of these groups or had held different positions in one or more unions; all were centrally involved in the organisations or structures discussed.

The process of analysing qualitative material from focused but open ended interviewing is labour intensive and extremely slow. The advantage is in the process of learning that it allows; the exploration and development of issues, the gathering of other people's knowledge and the in-depth analysis they offer of their situation. While quantitative survey research has other useful purposes, questionnaires close off the possibility of new questions and new knowledge. Decisions about what will be relevant knowledge are made before questions are asked. The qualitative approach used in this research meant that the selection of what was relevant knowledge occurred at all stages of the research. The open, loosely structured research design was intended to capture change and responses to change over a period of time. Particularly important to documenting change were successive interviews with some key informants.

The topic, flexible design and timing of the research were apposite, in fact fortuitous, enabling the recording of important events and changes which could not have been predicted at the start of the project. But the amount of change in such a short study period, and scale of its consequent impact, was not anticipated. The time scale initially determined by what is appropriate to doctoral research, quickly got over taken by events. As the Employment Contracts Act was introduced, it became logical to conclude the empirical research with the first round of negotiations under the new Act

- but it took nine months for the unions I was studying to complete their first round of collective contracts. The overthrow of the 100 year old framework of labour relations in the middle of the study period dropped into my lap a unique research opportunity and added an scientifically convincing before-and-after effect to the project, but quite overloaded the capacity of one doctoral thesis.

This difficulty showed itself at the writing stage. The variety yet interconnectedness of the factors affecting each union in similar and different ways made it difficult to exclude quantities of detailed information. Reducing the size of the picture by taking a more distant and abstracted perspective risked losing the voices of my interviewees who were reporting and analysing largely at the level of practical issues and everyday politics. Should space be taken up by this discussion of process, which has become almost *de rigueur* in feminist research? When the garden is full of wonderful pumpkins, how much soup is too much? How can I waste good food? Should I make less by leaving out the onions, the garlic, the yoghurt or the spices? Did I really want to freeze the surplus and serve up pumpkin papers for years?

## **The Experience**

If the starting point of knowledge is the knowing subject, the subjectivity of the researcher must also be acknowledged, not obscured by claims of objectivity (Smith 1979; Cook & Furnow 1986:6). This understanding recognises that the researcher is not only 'inside the whale' (Bell & Encel 1978) but is part of it, that she and her work are located within the same social relations as the subject (Smith 1979:158-9, 1987:140-2).

As a woman, a longtime secretary and a sometime cleaner, I shared some of the positions of members of the unions under study. My knowledge of nursing and its politics was second hand, through friends and previous study. As a socialist feminist, I shared the perspective of many feminist unionists I spoke with. Others spoke from an experience I could not share, though located within the same social relations of gender.

I was also a participant in the social relations of race, but as a Pakeha I was differently located from Maori women and Pacific Islands women with whom I spoke. As a sociologist I hoped to provide a space for Maori or Pacific Islands women to speak of a reality I could only partially know. A disappointment of this study - and for Maori and Pacific Islands workers - is that there were so few non-Pakeha voices. This was partly a consequence of my focus at the decision making level of unions, where few Maori or Pacific Islanders are located. The continuing marginalisation of the concerns of Maori and Pacific Islands workers indicated in these case studies contrasts with the over-representation of Maori and Pacific Islands people among the low paid and unemployed.

Although I came from outside the world of unionism, my own political positioning was important to the continuing access I was granted and to the quality of the interviews. A good prior understanding of union principles and labour relations legislation was fundamental to successful discussion of issues. A particular rapport with many women unionists meant they were willing to share their analysis and their concerns with me. With others, differences of opinion on feminist or political party issues could be expected, yet a basic political sympathy with the importance of collective organisation by workers meant unionists, including male unionists, were willing to share their analysis and explain their position. This willingness to provide information - time and data permitting - was general, even from the one or two who, I suspect, were wondering 'what this academic woman was on about'.

For some, this sharing of perspectives with an outside researcher was part of the ongoing general debate and political positioning within the union movement. And in this regard another - but not entirely disconnected - point needs discussing. Late in the research process, two interviewees mentioned an aspect of unionism of which, as an outsider, I was vaguely aware but had not foregrounded in my research. New Zealand unionism, they suggested, could not be understood without recognition of the centrality of small political parties within the union movement. Just as some feminists identified union organisations as offering a powerful means of furthering the interests of women, small socialist parties had long seen unions in just that light, as potential

sites for the kind of activities identified by Lenin as the role of the working class 'vanguard'.

The union movement, particularly in Wellington, has been crosscut with loyalties and conflicts which relate to membership of the Socialist Unity Party (SUP), the Workers Communist League (WCL)<sup>1</sup> and the Labour Party. For some, union strategies can be explained in terms of these affiliations, although the significance to unionists of far left groups was disproportionate to their influence in New Zealand politics and society as whole. As I had realised, some key clerical union officials had been in the WCL and some NZCTU officials had longstanding connections with the SUP. Other Wellington unionists belonged to a small Marxist-Leninist Organisation (MILO) in the early 1980s. However, the SUP dissolved following the disintegration of the USSR and the WCL had disbanded about two years before my interviews began, although loyalties and social connections remained. I discussed this issue separately with two highly respected and influential unionists unconnected with my particular unions<sup>2</sup>. Their comments suggested that the phenomenon of socialist party loyalties and antagonisms was strongest in Wellington and of little relevance outside the major cities, and that in the union movement 'political labelling was sometimes used as an alternative to thinking'.

My decision, supported by my supervisors, was to continue to focus on the analyses union officials offered on labour relations changes, their members' situations and appropriate strategies, rather than target their party affiliations. However, differences of political analysis were precisely what distinguished the parties of the Left. The SUP took a strong and traditionally marxist class position, whereas the WCL had worked an equally strong gender and race analysis into their class analysis. However, these different orientations are not exclusive to small political groupings. The subjective nature of this decision needs to be acknowledged. I myself hold a strong gender/race/ class analysis and have not been involved in vanguard parties. Like

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<sup>1</sup> Two main, but by no means the only, groupings of revolutionary cadres.

<sup>2</sup> I should mention, however, that one had strong Labour Party connections; the other was considering becoming active in the Alliance Party.

many feminists, I have been more alienated by the masculinist processes of some groups than by their marxist politics.

For some unionists whom I interviewed the frank sharing of opinion and political position was not without risk. Interviewees were usually speaking not just from a position within a union hierarchy, but within an employment relationship. Only one person declined to be interviewed for this reason, but some ethical issues arose about confidentiality. One of these led to a decision not to identify the positions of those quoted in the third case study, in order to preserve anonymity. Such issues did not arise in unions where views were more homogeneous.

Generally, quotations from interviews carry attributions which indicate the relation of the speaker to the membership of the union: Elected Officer of the union (secretaries, presidents, executive members); Staff Official (industrial officers, educators, researchers); Organiser (who are in most direct contact with members). The date of interview is also given. It should be noted that union secretaries are both 'Elected Officers' and on fulltime salaries. Until 1987 they were usually non-elected officials appointed by the elected executive of the union, but the Labour Relations Act, 1987 required that secretaries, who hold the power of day-to-day management and initiative, should be democratically elected every five years by the union membership. The first elections held under the 1987 Act confirmed most incumbent union secretaries in their position.

Allowing research subjects control over the material generated through this research was an area where a gap appeared between feminist research ideals and research reality. The literature on the practice of feminist research recognises that sociologist and subject are located in a social relation constructed by the research itself, the relation of researcher and researched, of knower and known (Smith 1979: 158-9; Cook & Furnow 1986; Harding 1987:6). A central principle is the acknowledgement of and reduction of hierarchy in this relation by allowing new research questions to arise from the interaction between researcher and researched, by seeking feedback and allowing the researched to have some control over information about their lives. The research

design was chosen to allow the project to be shaped by issues raised in the course of research interviews. Issues of feedback and control were more difficult.

Following interviews, three officials exercised differing degrees of control over the transcripts of their interviews. Most transcripts were not returned to interviewees, since this would not tell them what would be used, or not, or how. The strategy with respect to interview material was to develop draft working papers, which assembled the material gathered from each union. These were distributed back to heads of unions and key informants for feedback or alteration. The reality was that union officials have no time, nor mandate, to take on the additional work of commenting on research being done by others. By the time the thesis was in draft, however, the final version of each case study had been read by one person centrally involved in the union studied. Other feedback came through a few oral comments, follow-up interviews, the use of a paper or two that I had written, and interest expressed in the final outcome of the thesis. People knew what I was doing, had the ability to block my work if they wished to, but - so far - are still talking to me. Perhaps that is as much as a researcher can hope for.



## CHAPTER 3: THE MARKET FOR WOMEN' S LABOUR

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### Introduction

The division of labour and allocation of sets of tasks to job categories are the mechanisms at the heart of wage differentiation. The division of labour by gender has been identified as the key to persistent inequality between the average earnings of women and men and different racial groups in paid employment (Walby 1988:1-2). Occupational segregation in the labour market is therefore a logical starting point for any study of gender or ethnic inequality. Discussion of the labour market is particularly relevant to this study because the concentration of women in particular occupations in the labour market is reflected by New Zealand's traditional patterns of unionisation.

The female dominated unions chosen for this study represent occupations which are both typical of women's employment and reflect important differences between female dominated occupations. The selection of the unions for clerical workers, nurses and cleaners is discussed in Chapter 6, as is the gendered nature of these occupations and the implications for union organising and bargaining power of gender relations in these jobs.

A growing body of feminist research focuses on the ongoing practices by which jobs are gendered and occupational segregation is created or maintained (Cockburn 1983, 1985, 1991; Witz 1986; Milkman 1987; Mark-Lawson 1988; Stanko 1988; Glucksmann 1990; Leidner 1991). The 'outcome or sedimented form' of these active processes of occupational closure is the structure of occupational segregation in the labour market (Witz 1988:740), which is observable through statistical research. As discussed below, labour market analysis may be conducted from a variety of theoretical perspectives but recent studies all note features of the labour market which relate to gender and race. This chapter looks at different ways of theorising labour markets, and at the way the New Zealand labour market is structured by gender and by race.

If the most persistent feature of labour markets historically and internationally is occupational segregation by gender (Cockburn 1988; Milkman 1987), then the gendered labour market is the primary and slowest changing of the contexts in which these unions for female dominated occupations must operate. A central argument of this thesis is that New Zealand's pattern of wage fixing through occupational awards led to unions which reflected women's labour market concentration, and were potential sites for feminist activism.

## **Theorising the Labour Market**

There are a number of approaches to analysing the labour market and the position of women and racial minorities within it. Human capital theory, espoused by free market advocates, holds that the gender pay gap is attributable to differences in qualifications and years of experience and to women choosing occupations which require lesser skills and which penalise them less for intermittent employment patterns. However, empirical evidence has not supported these premises, nor has occupational segregation declined as women increased their human capital (Walby 1988:15-16; MWA 1991a; Murray 1984; Durham, Salmond & Eberly 1989). Differing human capital cannot explain the New Zealand gender pay gap (Urban Research 1987:23-4,31-2; MWA 1991a:57-58) nor the earnings gap for Maori and Pacific Island workers (Brosnan 1985, 1988; NZ Planning Council 1991:70; Manatu Maori 1991:43).

Dual labour market theory focuses on the structure of the labour market, rather than on the fortunes of the individual in it (Doering & Priore 1971; Reich, Gordon & Edwards 1980; Bowie 1983; Peck 1989). It describes the labour market as 'segmented' into 'primary' market and 'secondary' labour markets. The 'primary'<sup>1</sup> labour market comprises secure, well rewarded, fulltime jobs which offer career prospects, often through internal promotion in large organisations. The 'secondary' market is characterised by low pay, low skill recognition, parttime and casual employment and lack of opportunity for advancement. Women are overrepresented in the 'secondary'

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<sup>1</sup> Doering and Priore's use of 'primary' and 'secondary' to describe labour market is unrelated to a common New Zealand usage of 'primary', 'secondary' and 'tertiary' industries describing agriculture and resource extraction, manufacturing, and community and other services.

labour market (Barron & Norris 1976; Shipley 1982), as are non-whites (Brosnan & Wilson 1989; Brosnan, Rea & Wilson 1991). If gender specific markets are postulated, women's 'primary' market jobs score low on rewards when compared against the male scale (Heath & Britten 1984). Labour market segmentation was picked up on by British social stratification theorists to revamp the manual/non-manual divide in their occupational hierarchy which was being overtaken by technological change and feminist critiques (Garnsey 1978; Delphy 1984; Goldthorpe 1983, 1984; Stanworth 1984; Heath & Britten 1984; Crompton & Mann 1986). In the late 1980s it translated smoothly into a 'New Times' discourse of 'core' and 'periphery' workers (Rustin 1989; Neilson 1990; Walsh 1990).

Dual labour market theory assembles statistical data about levels of reward and terms of employment and from that aggregate material constructs a model and categories. Such an approach views the problem from an Archimedean point outside the market, and discerns patterns which tend to be 'visible only at the statistical level and unavailable at the level of the everyday world' (Smith 1991 :164).

Labour market segmentation is the approach of most New Zealand researchers in the labour relations field (e.g. Deeks & Boxall 1989; Easton 1990a) who mention but seldom problematise the concentration of women and non-Pakeha in the 'secondary' labour market. Susan Shipley (1982) used this theoretical framework to examine the employment of women. Work by Peter Brosnan (1985, 1987, 1988) examined occupational segregation to explain the lower earnings of Maori and Pacific Island workers, working through aggregate statistics, but also suggested processes by which this occurred. Recent work by Brosnan, David Rea and Moira Wilson is framed by labour market segmentation theory, but does go beyond the descriptive to implicate state policy in labour market structuring by gender and race (Brosnan 1988; Brosnan & Wilson 1989; Brosnan, Rea & Wilson 1991).

An alternative body of theory developed by feminists through the 1980s focuses on the processes of occupational segregation rather than the categorisation of labour market outcomes (Cockburn 1983, 1985, 1991; Witz 1986; Milkman 1987; MarkLawson 1988; Stanko 1988; Glucksmann 1990; Leidner 1991). This approach starts from

women's own experience and investigates the workings of labour market 'from where women are' (Smith 1987:106). A woman seeking work recognises that not only her particular skills and experience but her particular social characteristics make some kinds of employment more readily obtainable than others. Although this may offer two or three possibilities, she seldom competes for work outside that range. Most women look for work to earn money and most have a realistic view of the kind of difficulties they will encounter if they seek or get a job in an occupation for which they may acquire the skills or qualifications, but never the expected social characteristics.

Labour market segregation theory recognises the labour market as neither unitary nor dual, but as a cluster of socially constructed sub-markets for different skills and different kinds of people, who rarely compete with one another for jobs. Nurses and plumbers do not compete. Typists and managers do not apply for the same jobs, though both have skills which transfer readily between industries. These submarkets are characterised by differences of gender and race. Occupational segregation by sex is historically persistent and, although the actual occupations of women and men vary between cultures, a clear sexual division of labour is remarkably universal (Cockburn 1988:31).

Conventionally, the position of women in the workforce has been considered a consequence of their position in the family (Walby 1988:2). Domestic responsibilities were held to account for the kind of work women typically do, their discontinuous employment and common preference for parttime work and, indirectly, for educational choices by girls which lead to lower paying jobs. Research focusing on women's employment, however, recognises that women's position in the heterosexual family is critically affected by their disadvantaged position in the labour market. The workplace and the labour market are crucial sites for the creation and reinforcement of gender inequality both at work and at home (Walby 1986).

Labour market segregation theorists problematise the structuring of the labour market by race and gender, as well as class, and identify occupational segregation as the key to the gender pay gap (Walby 1988) and the labour market disadvantage of non-whites (Phizacklea 1988). Women's employment is concentrated in a narrow

range of female-typed occupations, with women from racial minorities in still fewer occupations. Occupational closure against women and racial minorities in jobs in which skills are recognised and rewarded has been secured through the active practices of other workers, union policies, and the hiring practices of employers (Cockburn 1983, 1985; Milkman 1987; Wylie 1984; R. Hill 1989; Robertson 1992). These practices have at times been supported by state regulation restricting the employment of women in certain occupations or on certain shifts (Coyle 1980; Robertson 1992).

The segregation of women and men at work is maintained not only at the level of broad occupations but is a principle underlying organisation of specific labour processes, as tasks are allocated to separate groups of male or female workers. Research in factory work shows that gender segregation and the idioms used to rationalise the gendering of jobs are more constant than actual content of women's and men's jobs (Milkman 1987; Glucksmann 1990; Wylie 1984). Segregation on the basis of gender and race and the concentration of women and racial minorities in occupations requiring skills which are generally available, non-technical and not firm-specific facilitates the devaluing of the skills which are in fact exercised in these occupations (Phillips & Taylor 1980; Jensen 1989; Steinberg 1990).

The outcome is economic disadvantage for women and racial minorities and competitive advantage in the labour market for white male workers. The power of employment and job allocation lies with employers, whose primary interest is the cost of labour. However, employers may have their own views on the appropriate employment of women or may anticipate resistance from male workers or their unions (Milkman 1987; Robertson 1992). As Elizabeth Garnsey puts it:

The disadvantages from which the majority of women suffer on the labour market are not incidental handicaps but represent important features of the organisation of the economy. (Garnsey 1978:238)

A number of researchers operating within this theoretical framework have explored the active practices through which tasks are allocated into jobs, and jobs are 'gendered' or allocated racially in particular local or historical contexts (Game & Pringle 1983; Cockburn 1983, 1985, 1988, 1991; Witz 1986, 1988, 1990; Milkman 1987; Anderson 1988; Mark-Lawson 1988; Stanko 1988; Glucksmann 1990; Leidner 1991). These

studies explore gender and race relations at work and the processes by which the shifting occupational patterns of men, women and different racial groups are created and maintained, to the benefit of capitalism and men. Such research is the spade work for the socialist feminist theory downstream of Heidi Hartmann's (1979, 1981) watershed work, which rejected the theoretical subordination of gender to class or vice versa in favour of a dual systems approach to patriarchal and capitalist relations. Hartmann's work highlighted the gender division of labour as a crucial point of intersection between the practices of gender relations and class relations (Franzway, Court & Connell 1989:25) which result in women's disadvantaged position in the labour market. Research which uncovers the mutability of 'women's work' and the socially constructed nature of skill has supported, and been part of, feminist activism through unions and political groups directed at achieving equal employment opportunity and pay equity.

### **Women in the New Zealand Labour Market**

What, then, is the situation of women in the New Zealand labour market?

In 1987 a study was commissioned by the Labour Department which drew together information on the labour market position of women with particular reference to pay differentials between women and men: the Phase One report of the Equal Pay Study (Urban Research 1987). This study was a result of a political campaign by feminists for changes to labour relations legislation to allow comparable worth assessments with male occupations to provide equal pay for work of equal value. It was followed by reports by the Ministry of Women's Affairs on the economic position of women generally and of Maori women in particular (Horsfield 1988; Horsfield & Evans 1988).

The Equal Pay Phase One report discussed the earnings gap between women and men in New Zealand, comparing it to gender pay gaps elsewhere, and discussed contributory factors. Recommendations for closing the gender pay gap were more equal sharing of home responsibilities; reduction of occupational segregation and greater access by women to high level positions; and improvement in pay levels for female dominated occupations relative to male dominated occupations.

The report noted that of the 19 industries in which earnings were lowest, 14 were female dominated (Urban Research 1987:20). Comprehensive earnings data by occupation and sex were not available at that time. However, the researchers noted that since segregation was more marked by occupation than by industry, it showed little sign of decline despite a few women moving into unusual occupations (Urban Research 1987:18-20). Later research on race, gender and wage flexibility between 1984 and 1988 confirmed that any narrowing of earnings gaps was coming about through occupationally based award bargaining rather than industry based bargaining. This reflected the importance of occupation rather than industry in determining relative earnings (Brosnan & Harbridge 1989:7).

The importance of occupation to labour market segregation and lower earnings is shown by looking briefly at gender segregation by sector and by industry as well as by occupation. Despite the importance to New Zealand's economy of agriculture and resource extraction, 60% of all workers - but three-quarters of women - were employed in the service sector even before the downturn in manufacturing in the mid 1980s (Dept Stats. 1988-89:331).

Considered by major industry groups, the 1991 Census showed women are over 49% of workers in 'wholesale retail trade, restaurants and hotels', 50.5% of 'finances, insurances, real estate and business services', and 60.6% of 'community social and personal services'. They are the majority of the state sector health and education workforce. In other industry categories men predominate, with the male workforce more evenly spread across all industry divisions. As a result, a view of the economy by industry is one which more closely matches men's experience of work than women's. It partially obscures the strongly gendered functioning of the labour market, which is more notable in occupational categorisations at even the most aggregate level. It also disregards the way women's occupations often span industries.

During the period in which this research was done, occupational segregation by gender was researched by the National Advisory Council on the Employment of Women and by the Ministry of Women's Affairs, using data from the 1986 Census (NACEW 1990; MWA 1991a). The report of NACEW's three year study of women's

employment and policy under the 1984-1990 Labour government laid out graphically the segregation of the labour market by gender and by race and women's concentration in parttime work. The report by the Ministry of Women's Affairs (1991a) confirmed that there had been little or no change in the degree of occupational segregation over the last twenty years. A decrease in the number of strongly gender-typed occupational categories was 'swamped' by increasing numbers employed in those occupations: 67.4% of women worked in female dominated occupations (MWA 1991a:15,16,46).

Both reports pointed out that the extent of segregation tended to be obscured when data on specific jobs was aggregated into general categories. For example, nearly two-thirds of those in service work occupations and three-quarters of all clerical workers were women, but 82% of general clerks, 84% of bookkeeper/ accounts clerks and 98% of secretary-typists (MWA 1991a:18-19).

Occupational data from 1991 Census of Population and Dwellings became available only in late 1992, and in 1993 the Ministry of Women's Affairs began to rework its 1991 analysis<sup>2</sup>. The 1991 Census best describes the situation during the research period. In 1991 women were 44% of the labour force (Dept Stats March 1991) but the seven most common specific jobs (5 digit categorisation) - sales assistant, general clerk, secretary, accounts clerk, registered nurse, primary school teacher and cleaner - employed 31.2% of the female workforce, with 50.5% in 18 specific jobs (see Appendix 2). More generally categorised, nursing, teaching, cleaning or housekeeping, food and personal services, sales, clothes making and clerical work employed nearly two-thirds of the female workforce, with one third in various forms of clerical work. Many of these are dead-end, insecure, low paid jobs characteristic of the 'secondary' labour market (Bowie 1983; Barron & Norris 1976:52-54). In the 'primary' segment of the labour market, the two main professions for women, teaching and nursing, are

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<sup>2</sup> A revised paper had not been produced at the time of writing, but analysts at the Ministry of Women Affairs made working tables available which were analysed for this chapter.



rewarded at levels considerably lower than traditionally male professions, such as doctors, dentists and accountants<sup>3</sup>.

These most typical occupations for women show strong connections with women's traditional unpaid work in the family. Clerical work is in fact no exception, when its servicing role in relation to male dominated occupations is recognised. As Dorothy Smith (1979:164) points out, women's work at the concrete level often facilitates men's occupations at more abstract and creative levels of work organisation. Different occupational labels may obscure segregation of women into occupations which form a division of labour, usually hierarchical, with traditionally male dominated occupations; for example, nurse/doctor, secretary/manager; wages clerk/accountant. Within an occupational or industry category, vertical segregation by gender suggests that there are practices in organisations which restrict women to less senior positions (MWA 1991a:31-37).

Changes in categorisation and in the treatment of parttime work make direct comparison difficult between 1986 and 1991 Census data (MWA 1991a c.f. 1993). Some differences between censuses reflect occupational and industry fluctuations rather than changes in segregation or occupational concentration. Women's employment in manufacturing had shrunk from 12.5% to 10.4% of the female workforce, but sales, services and clerical work were the areas least affected by recession in terms of absolute job numbers. The proportion of the female workforce increased in sales (11.7% to 12.3%) while the proportion in clerical work (32% to 31%) and service work (15.5% to 15.2%) decreased slightly, and there were some changes in the order of the most common female specific jobs (see Appendix 2). Nearly one third of the female workforce continues to be employed in clerical work but women appeared to have increased their share of clerical work relative to men (74.4% to 77.1%). These were

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<sup>3</sup> To compare total income statistics, at the 1986 Census male fulltime professional and technical employees (i.e. excluding those in private practice or otherwise self-employed) earned \$25,309 compared to \$18,965 for female fulltime professional and technical employees (Dept.Statistics 1986, Table 8). Nurses' award rates are noted in Chapter 6. The 1991 Census showed 94,929 men in the workforce (employed or otherwise) with an income of over \$50,000 a year, but only 15,786 women (Stats NZ 1991a:23). Of the Maori workforce 2,610 men and 456 women had an income of over \$50,000; among Pacific Islanders 426 men and 72 women (Stats NZ 1991b:108, 1991c:28).

changes in relative proportions, rather than any marked change in the overall numbers employed in women's typical service work occupations.

Women's traditional areas of employment like shop work and clerical work continue to absorb most new entrants to the labour force (MWA 1991a:46), although not enough to slow unemployment growth among young women (Stats NZ 1993c:269). However, the number of work hours available to women has been affected by employers' demands for greater 'flexibility' and lower labour costs.

Women are over-represented in parttime work. A third of the female workforce works less than 30 hours (Dept Stats 1991a:18). In 1986 women were 78% of the parttime workforce (NACEW 1990, 80-83; MWA 1991a:7-11). A quarter of these were in service work, but 42% of Maori women and 50% of Pacific Islands women were parttime service workers. Between 1987 and 1991 parttime employment increased, the only area of employment to do so. Between 1987 and 1991 women's average weekly hours of work shrank from 30.1 in 1987 to 27.9 hours, while men's dropped half an hour to 40.2 hours. The number of women parttime workers who wanted additional hours more than doubled, while those looking for fulltime work more than tripled (Dept Stats. 1991a:19, Table 3.13). Interestingly, over this period of high unemployment, the proportion of men in parttime work increased from 12% in 1986 to 24.6% in 1991 (Dept Stats. 1991a:18).

Over the 1970s New Zealand unions achieved award clauses giving parttime workers pro-rata wage rates and conditions (except for some long service leave). This contrasts with the British situation where parttime work for less than 16 hours was exempted from employment protection laws and some employer levies and deductions, leading to marked increase in women's parttime employment in the 1980s (Beechey 1987; Walby 1986:226-7). In New Zealand there was no financial incentive for employers to use parttime rather than fulltime workers. Some awards included a weighting on rates for casual employment and consultation with the union on new parttime positions. Of the unions studied, two had particular award clauses protecting fulltime employment, while the third ensured equal treatment of parttimers. Parttime

workers also have equal legal access to personal grievance procedures against unjustified dismissal.

Maori and Pacific Islanders, both women and men, are concentrated in a even smaller range of typical occupations than women as a group (Brosnan 1987, 1988). Both NACEW's study (1990:67,71) and a report by Manatu Maori (1991) showed the highly disproportionate concentrations of both Maori and Pacific Island women in production and service work occupations, although 1986 Census data by race were still unavailable at the disaggregate levels likely to show the sharpest segregation. In the mid 1980s the contraction of manufacturing, in particular the clothing industry, affected the employment of Maori women, and smaller numbers of Pacific Island women. By 1987 Maori women were twice as likely to be unemployed as women in general (Horsfield & Evans 1998:55), and by 1990 Maori women and men were 21% of the unemployed although only 8% of the workforce (Manatu Maori 1991:23). However, a notable number of Maori women are establishing small businesses (Horsfield & Evans 1988:36,39; Boswell & Brown 1990). The 1991 Census showed Maori women employed in lower concentrations in the female dominated areas of clerical work and sales, and more concentrated in service work and production than women as a group. Disaggregate data showed these jobs to be in food preparation and service, personal care and cleaning, and in sewing, assembling and packing. Pacific Island women were in the same service and production areas, but in a still narrower range of typical jobs - kitchen hands, nurse aides, cleaners, assemblers and packers (MWA 1991a:25,26, 1993).

In contrast, the 1991 Census showed men employed in a much wider range of occupations and their concentration in most common jobs is much less marked (MWA 1993). The seven most common specific jobs for men employed 20% of the male workforce, with 50.4% spread across 35 common occupations (see Appendix 2). This compares with a third of the female workforce in 8 most common jobs, and half in the most common 18 jobs, as mentioned earlier. There were no women at all in 141 specific job categories, with fewer than 3 in another

108 jobs. Only 15 job categories had no men<sup>4</sup>. As Cockburn (1988:30) puts it, women do not defend their occupations so effectively against men as men defend theirs against the incursions of women. Historically, some trade unions were the vehicle for this defence, adopting early equal pay policies more to protect men's jobs from feminisation than to improve the lot of women workers (Robertson 1992; Knowles 1993; Hill 1993b).

Occupational segregation and the need for equal employment opportunity became a policy issue as a result of the campaign for employment equity. The Labour Department mounted a 'Girls Can Do Anything' campaign in the mid 1980s; however, the number of women entering apprenticeships in trades other than hairdressing rose only from 154 to 309 between 1982 and 1986 (NZCWA 1988:11). The proportion of women in administration and management increased from 10% in the 1970s to 22.4% in 1991 (Hercus 1983:75; MWA 1993), though this figure obscures the low proportion of women at upper levels of management. Women are now half of all medical and law students but tend to enter gender specific lower paid specialities in both professions and rise more slowly to partnerships, as segregation by gender is perpetuated within those occupations (Durham, Salmond & Eberly 1989; Murray 1984). This pattern of vertical segregation is observable in both occupations and industries (MWA 1991a:31-37).

Feminist analysts have argued that the gender pay gap is a consequence of the undervaluing of the skills required for the jobs into which women are segregated (Walby 1988). This devaluing of skills is linked in mutually reinforcing ways to a wider social devaluation of women and racial minorities. Women are specifically hired for skills developed through female socialisation, but because such skills are available at no cost in the family, they are considered 'natural', or, like human relations skills, become invisible when possessed by women (Phillips & Taylor 1980; Steinberg 1990). To preserve this devaluation of work by women through depressions, wars and technological change, different job tasks are 'gendered' through the idioms of

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<sup>4</sup> However, analysts at the Ministry of Women's Affairs report some growth in the middle ground of mix-gender job categories.

femininity and masculinity to maintain segregation (Cockburn 1985, 1991; Milkman 1987; Mark-Lawson 1988; Glucksmann 1990; Witz 1990). Segregation in both the workplace and the labour market ensures that neither the skills nor the wages and conditions of men and women are subjected to close scrutiny and comparison.

Such comparison has been the central strategy of an international campaign for Pay Equity (Hyman 1987). This approach sees the element of discrimination in women's average lower pay (Wilson 1988:10-13) as operating through a social devaluation and lack of recognition of the skills involved in the occupations in which women are concentrated. Reassessment of the social worth and the worth to employers of women's skills has been a central goal of New Zealand feminist unionists in the 1980s, working through unions organising female dominated occupations. The details of this struggle are explored in later chapters.

### **Women in Occupational Unions**

Structuring by gender and race is a feature of labour markets both in New Zealand and elsewhere, with women concentrated in a small range of occupations which differ markedly from the occupations of men in which unionism developed historically. Women's different experience of work and different locations in the labour market mean that they have raised concerns with their union (such as childcare and sexual harassment) and may take positions on labour market regulation which differ from those of men. The marked occupational division of labour between women and men has made possible the development of a feminist perspective and has given rise to a feminist politics within the New Zealand union movement and elsewhere (Boston 1980; Cockburn 1984; Booth & Rubenstein 1990; Crain 1991).

The distinctive feature of the New Zealand and Australia labour markets, however, is that centralised wage fixing and unions have traditionally been organised on an occupational basis. This means that the occupational concentration of women has been reflected in their union organisation. The particular form of centralised bargaining by occupation allowed unions to organise labour markets, rather than scattered members on small worksites. The mechanics of this system are analysed in the next

chapter, but from the 1930s occupational awards facilitated the unionisation of industrially weak workers, including large numbers of women.

Women's employment in New Zealand - and particularly that of Maori and Pacific Island women - is disproportionately concentrated in the 'secondary' labour market in terms of rewards, conditions and job security (Bowie 1983; Urban Research 1987:18; Brosnan & Wilson 1989). Of the unions examined for this thesis, the cleaners unions, like the Hotel & Hospital Workers unions with whom they amalgamated in 1991, were organising an occupation clearly located in the 'secondary' labour market. The clerical unions' coverage was restricted through the terms of their main awards to the areas of the clerical market where earnings were lowest. As professional organisations the nurses unions were also interested in raising reward levels for recognised professional skills, but they also represented nurse aides whose pay rates were very low and whose skills were informally acquired and under-recognised.

Improvement of wages and conditions, job security and skill recognition are the classic objectives of union organisation and industrial action. The case studies set out in Chapters 7, 8 and 9 examine the industrial situation of three typical female dominated occupations, highlighting the constraints on effective industrial action in these occupations. Aspects of these particular case studies can be extrapolated to the range of typically female occupations, and also to a few low paid male dominated occupations.

In the context of New Zealand's traditional pattern of wage bargaining and unionisation, women's labour market concentration has a positive aspect. The next chapter explores the way labour relations negotiating was institutionalised at the level of occupational labour markets, with union organisation supported through forms of compulsory unionism. This meant that unions reflected the social, as well as occupational, structuring of the labour market.

Occupational unionism has meant two important things for New Zealand women. Firstly, that unions representing female dominated occupations were female dominated organisations. Some, but not all, achieved female leadership - a theme which is

explored in the case studies. Secondly, the unions for female dominated occupations - by New Zealand standards at least - have historically been large organisations (Geare, Herd & Howell 1979:9). Although the membership might be fragmented on small worksites, union officials could exercise the political power of large membership numbers in a variety of arenas. The way these factors underlay feminist activism through unions will be explored in future chapters.

### **What do Unions Organise?**

In developing theories about union organisation and forms of collective action, Offe and Wissenthal (1985) point to the tension between individual and collective interests. Their discussion is of particular interest in considering the issues and strategies through which feminist unionists sought to make unionism relevant to other women members.

For Offe and Wissenthal (1985:177-78), an 'insuperable individuality' is inherent in labour power, in that the labour 'owned' and exchanged in the labour market cannot be separated from the worker, her individual interests and her 'life concerns'. She enters physically into the workplace and into a personal, hierarchical relation with her employer or manager. In both the workplace and the labour market employers are backed by the power of more 'liquid', cumulative capital. To balance that power, workers must bridge individuality to bargain collectively. Unions provide continuity and structure for this, provided that the tensions between individual and collective interests, between the needs of particular members and strategies initiated by officials, can be resolved through decision making processes which involve a two-way information flow between members and leaders (Offe & Wissenthal 1985:193).

But what is it that union officials organise? Do they organise workers and workplaces, as currently emphasised by NZ Council of Trade Union officials? Do they, as Offe and Wissenthal (1985:179) suggest, organise members' interests? Do they help construct a coherent set of collective interests arising out of but subordinating individual concerns, on which collective action is based. As seen in the case studies, workers have interests in legislative changes which may or may not suit their situation or, for

example, in a Court backed set of procedures for dealing with sexual harassment. Unions do indeed organise the construction of a range of collective interests, but I would argue that the primary purpose of unionism is to **organise the labour market** in which members compete.

Workers act collectively so that their numbers in a particular labour market increase their bargaining power in relation to terms of employment for that occupation, rather than undermine it through a downward spiral of individual competition to the detriment of all. These terms of employment need not be narrowly conceived. As groups acting collectively recognised the way employment and labour markets were structured by gender and race relations, as well as class, new issues for negotiation were raised by feminist unionists.

The central and traditional concern that workers should not undercut each other in the competition for jobs is fundamental to unionism. This is the reason that organising at the level of occupational labour markets for particular skills or kinds of work is of primary importance - but these markets may or may not coincide with industries or enterprises. Workers combining at the level of workplaces may exert control over their firm's pay systems or labour processes. However, combining at the level of the occupational labour market offers the potential to transform an 'oversupply' of a particular kind of labour into collective bargaining power to ensure that market rates provide a living wage.

Unions' ability to organise labour markets for members is framed by legislation on labour relations which, explicitly or implicitly, dictates the basis of bargaining with employers. This varies historically and from country to country. The policy framework is central to the labour market position of women in each country (Rubery 1988) as it interacts with logistical and/or strategic factors related to the occupations in which women are concentrated. This relationship between labour relations legislation, occupational situation and bargaining power is one of the main themes explored in this thesis.



Within particular legislative frameworks, 'trade' unions were developed in traditionally male crafts by limiting competition through control over the acquisition of relevant skills, and in essential industries through organising local labour supplied to a limited number of employers. In highly casualised occupations, some 'labour' unions developed through a 'hiring hall' strategy using closure to control not only market rates but the supply and quality of labour. Such tactics were used by US waitresses in the 1930s and 1940s, with steady employment dependent on good standing in the union rather than a specific employer (Cobble 1991a&b). Dorothy Cobble (1991a:432) describes how successful union organisation among waitresses ended in the 1940s when legislation restricted unions to representation and bargaining on an enterprise basis - a change similar to the recent changes to the system of wage bargaining in New Zealand which is discussed in the next chapter.

In New Zealand and Australia the centralised system of bargaining by occupation was a state supported form of occupational closure which allowed unions to organise market-wide rates and conditions for their members' labour. This thesis argues that New Zealand's traditional labour relations system facilitated union organisations which reflected the concentration of women in particular occupations and made possible high rates of unionisation among women in the 'secondary' labour market.

The second theme of the thesis is on how this provided an organisational base from which feminist unionists set about developing strategies to further what they saw as the collective interests of women as members of particular unions. However, as feminists they focused on the commonalities of women's experiences and labour market situations. The strategies they developed addressed what they saw as the wider collective interests of women in a gendered labour market and within a particular system of labour relations regulation. Their strategies and the reasons for them are explored through the case studies of unions representing clerical workers, nurses and cleaners.

## Conclusion

The gendering of jobs and occupational segregation are the means by which women are disadvantaged in the labour market. Dorothy Cobble (1990:541-2) suggests that the separation of women by occupation can provide the autonomy to develop 'female perspectives' and leadership, and that organisation based on occupation offers potential for mobilising women. This thesis explores the way some female dominated occupational unions in New Zealand provided 'political space' for women within the union movement in the 1980s. It looks at the way the traditional system of centralised negotiation by occupation meant high levels of unionisation among women and a few large union organisations with predominantly women members. It was on this base that from the mid 1970s feminist unionists set out to make unionism a vehicle for collective action by women. The issues they raised and the strategies they developed addressed commonalities in the labour market situations of women and in gendered employment relations.

## CHAPTER 4: THE CONTEXT OF CORPORATIST CHANGE

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### Introduction

The Labour Relations Act 1991 radically changed the pattern of centralised wage bargaining first adopted in New Zealand nearly 100 years ago. Over the 1970s and 1980s a number of legislative changes were already being made to the award system which reflected the shifting interests of 'labour', 'capital' and 'the state' (Holt 1986), the corporatist partners in the 'historic compromise' of New Zealand's traditional labour relations system (Jesson 1987; Simpson 1990).

As argued in the last chapter, 'labour' is not a single abstract entity but comprises women and men at work in very difficult situations in the labour market. This chapter looks at the history and mechanisms of the labour relations system with respect to how it worked for women. Tensions within the union movement about the traditional corporatist trade-off between the right to strike and state arbitration contributed to changes in labour relations legislation in the 1980s. Other legislative changes relating principally to employment equity, resulted from feminist activism. Changes to the traditional labour relations system over the 1970s and 1980s and the Employment Contracts Act itself are reviewed to provide background for later detailed examination of these changes in relation to unions for three female dominated occupations.

Changes in the interests, ideology and organisation of capital and the state led to the introduction of the Employment Contracts Act, 1991 and the repeal of the Employment Equity Act, 1990 by the fourth National government. These changes are examined, along with the 'strategic unionism' with which the NZ Council of Trade Unions proposed to balance the influence of the NZ Business Roundtable on government. As a starting point for discussion, political theories of corporatism (Schmitter & Lehmbruch 1979; Lehmbruch & Schmitter 1982; Strinati 1990; Jessop 1979) offer an appropriate if highly abstract framework for reviewing the New Zealand experience - but one which warrants some feminist critique.

## Theorising Corporatism

Corporatism was developed as a concept in political theory in the 1970s as part of ideal typologies of political representation and political economy (Jessop 1979:186-189). It refers to the institutionalisation of interest representation in exchange for state intervention. Corporatist arrangements enable organisations representing capital and labour to participate in the 'authoritative' formulation of policy for the economy and society as a whole (Wassenberg 1982:95). In return they must submit to varying degrees of state regulation, particularly in relation to bargaining between organised labour and employers.

Corporatism has often been seen as a strategy of the state (rather than of capital or labour) aimed at 'unity, order, nationalism and success' (Jessop 1979:186), though these might equally be goals of state policy in egalitarian Sweden or fascist Italy (Regini 1982:109). Discussions which focus on the political management of economic and social issues (Lehmbruch 1982:26) have tended to:

...treat the state as an autonomous subject...able to impose its own goals on the economic order...to conflate the growth of state support *for* private capital with state control *over* private capital and nullif(y) the specificity of the corporatist form of state. (Jessop 1979:189-190, emphasis in original)

Corporatist theorising provided a framework for comparisons between social democracies (Schmitter & Lehmbruch 1979; Lehmbruch & Schmitter 1982). Studies were often ahistorical, focused on conformity to a universal model (Rubery 1988:254) which could take on a prescriptive, almost Darwinian dimension, with Sweden as the most advanced example of corporatist development.

In this thesis corporatism is seen, not as the amount of state intervention, but as the manner in which the state is articulated with the economic order (Jessop 1979:188). A political economy view is taken, seeing corporatist patterns as politically and historically contingent arrangements resulting from 'the balance of political forces mediated through state forms' (Jessop 1979:210). Since political outcomes are never

static nor permanent, no particular corporatist arrangement is privileged theoretically. Preferences reflect political interests.

Bob Jessop (1979:193-6) discusses parliamentarism and corporatism as two distinct modes of formal articulation between representation and intervention. Corporatism involves representation of members (workers or employers) within public 'corporations' (unions or employers associations) constituted around the division of labour, fused with state intervention through these same corporations to regulate members. Unions both represent members' collective bargaining power and bind them to collective agreements; they are confining as well as enabling institutions.

A parallel situation exists within national organisations representing employers (Vowles 1985; Brosnan, Walsh & Rowe 1985; Taylor & Greenslade 1986; Wanna 1989). The pattern of representation and intervention at the heart of corporatism does not presuppose the forms of organisation or levels of hierarchy at which corporatist interaction is institutionalised. Patterns are historically and culturally specific and subject to change, reflecting in the changing interests of capital, labour and the state, as well as their differing power and material resources to pursue those interests.

Arthur Wassenberg's analysis of the way interaction between 'corporations' may be institutionalised at different levels of corporatist hierarchies is particularly relevant to analysis of the changing situation in New Zealand. Wassenberg considers that corporatism, as industrial struggle by other means, is a device which may displace inherent conflicts of interest between labour and capital rather than resolve them. Interaction between the hierarchically organised organisations of labour and capital occurs at the 'micro' level of employees and employer; at the meso level of unions and employers, perhaps locally or regionally; and at the 'macro' level of national leaders. Apparent resolution - or institutionalised control - at one level may displace dissatisfaction or conflict to other levels. In his view of European labour relations:

As long as the macro stage can be used for acts of symbolic polarisation...(and) micro stages continue to be beset by direct class confrontation, the meso level seems to become more and more the appropriate place for striking a bargain without too much publicity and without too much transparency concerning the exact share of responsibilities for the final outcome.  
(Wassenberg 1982:85)

Wassenberg is discussing union organisations based on industry rather occupation, but this statement could describe the basis of traditional labour relations in New Zealand, which are detailed in this chapter. Wage setting for particular occupational labour markets was arbitrated between unions and groups of employers, institutionalising labour relations at the meso level. Industrial strife over the market price for labour became ritualised combat before conciliators or in the Arbitration Court. As long as prosperity was shared through annual increases in award rates, bargaining at the meso level did not require organisation or action at the 'micro' level of the workplace. In Wassenberg's (1982:85) phrase, the memberships of many unions remained 'anaesthetised'. At the macro level Federation of Labour leaders interacted informally with business and political leaders, representing the viewpoint of 'the unions' (Skinner 1980; Vowles 1985:226), but affiliated unions enjoyed considerable autonomy.

Corporatism was institutionalised at the meso level of unions and groups of employers through the Arbitration Court. It was 'a political institution' (Brosnan, Smith & Walsh 1990:32) in that it was a site for negotiation, conciliation and arbitration between representatives of labour and capital, before a panel of Commissioners comprised of nominees of labour, capital and the state. It was constituted within a body of law recognising the inherent inequality of the 'master-servant' relationship rather than law governing civil contracts between presumed equals (Mulgan 1993; Ryan & Walsh 1993). Though at different times its rulings were considered unsatisfactory by some or all three partners in corporatism, they were pragmatic solutions, as much as legal ones, aimed at meeting the expectations of unions, employers and governments.

Changes in the economy led to increased tension between levels of corporatist organisation and to reconsideration of whether this corporatist arrangement best served the interests of the parties. These shifts and tensions are recounted in the following section and through the case studies. Fiscal difficulties, framed within a discourse of market liberalism, led to governments aligning state interests with those of large capital (Oliver 1989; Goldfinch & Roper 1993; Roper 1993b). Unions found it increasingly difficult to negotiate at the meso level, as unemployment grew and state supports to bargaining were removed. As the interests of capital became more

hegemonic in government policies, national union leaders sought to change the balance of interests between the partners in corporatism through political action at the macro level: a Compact with the Labour government.

Following a change of government in November 1990, traditional corporatist arrangements at the meso level were almost fully dismantled, affecting union organisation. Inability to negotiate collectively at this level has increasingly displaced conflict to the micro level of worksite disputes and individual grievances. Individual rights at this level have been extended to greater numbers of workers (Boxall 1991:292; Walsh 1993:190), while the undermining of collective union rights at the meso level has increased wage competition in the labour market. National union leaders continue to seek a macro level solution to this attack on union organisation. Achieving this, however, requires a displacement of labour relations conflict to parallel party political and parliamentary arenas to secure corporatist change through the exercise of political power.

This outlines in the abstract and gender-blind language of corporatist theory the shifting political interests and changing labour relations framework in New Zealand. It also indicates the importance of that framework in any consideration of the interests and strategies of both individual unions and the union movement as a whole. As Pat Walsh comments:

Just as the unequal conflict between labour and capital, and the particular form it takes in each society, shape the State's industrial relations policies...the relationship between unions and employers unfolds in the context of the institutional structure of the State's industrial relations policies.

(Walsh 1993:174)

However, 'labour' - to take just one of corporatist 'partners' - is not a homogeneous abstraction, but comprises men and women at work in different occupations in the labour market. What are the effects of such corporatist change on unions organising within a labour market segregated by gender?

Some international comparative work has been done on the position of women in the labour market (Ruggie 1984; Rubery 1988) which suggests that it is not just labour relations regimes or patterns of corporatism that need to be analysed, but also the

way other policies - fiscal, family, welfare or education - affect the labour market. In comparing studies of women at work in four countries, Jill Rubery critiques theorists who seek a universal model of behaviour applicable over time or between countries.

One aspect of societies should not be singled out for cross- country comparisons, as this would obscure the different ways in which parts of a society interrelate...We need to understand the ways in which the system of industrial, labour market and family organisation interrelate and the role of the society's political and social values in maintaining these relationships before we could expect to make sense of the differences between countries...

(Rubery 1988:253)

Nevertheless, on the basis of studies of the United States, United Kingdom, France and Italy, Rubery hypothesises the importance of patterns of regulation of labour relations and labour market in explaining the disadvantaged position of women relative to men within those countries.

To understand how job segregation acts to exclude women from higher paying jobs, one has to know the relevant divisions within the economy between 'good' and 'bad' employment positions. The form of these divisions is likely to be related to the pattern of collective bargaining and labour market regulation.

(Rubery 1988:257)

Underlying these studies of women at work and studies of corporatism are assumptions about patterns of regulation which reflect the norms of the countries examined. Labour organisation originated in Europe as forms of closure around traditionally male crafts, which provided the labour for key industries as capitalism developed. The regulation of bargaining in these countries is aptly named 'industrial' relations, since organised labour has primarily developed within industrial production sectors, with more recent organisation among state employees. Varying amounts of state regulation of low paid service work in the private sector have occurred as an extension of this. The fact that this seldom involves union organisation and representation, as well as state control, goes largely unremarked by researchers and theorists. Yet this is the core of the 'secondary' labour market in which workers are most disadvantaged and in which women and ethnic minorities are concentrated. If the labour market outcomes for marginalised social groups are to be changed, the norms of labour relations bargaining and state regulation need to be problematised, not merely assumed.



To take up Wassenberg's argument that corporatism displaces conflict to other levels, it may be suggested that successful organisation and representation in industries displaces some of the flexibility needs of capitalism into 'unorganisable' sections of the labour market. A British example is the way parttime employment for less than 16 hours is expressly excluded from employment security protections and employer liability for various taxes and deductions (Beechey 1987; Walby 1986:226-27). The result is a higher proportion of low paid women in parttime employment in Britain than in neighbouring countries (Rubery 1988:262-266). Such an argument implicates the state and labour, as well as capital, in the maintenance of a 'secondary' labour market.

In New Zealand and Australia the tradition of unionism was introduced through male trades, but labour relations regulation took a different tack. State regulations granted unions and their negotiated awards non-competitive coverage of all workers in a particular occupation - effectively a form of occupational closure. Organisation and representation were assured through forms of compulsory unionism. Although New Zealand labour history focuses on a corporatist trade-off between the right to strike and state arbitration, the key difference between Australasian systems of labour relations regulation and European ones has been mechanisms which facilitated the unionisation and regulation of occupational markets, rather than industries. This thesis points out ways in which women have benefited from bargaining and union organisation which reflected their concentration in the labour market in particular occupations.

In examining the situation and union organisation of women workers, this thesis examines patterns of labour market segregation, patterns of unionisation and the regulation of labour relations. In exploring the regulation of labour relations, it documents the effects on three female dominated occupations of two markedly different bargaining regimes within the context of a single country. Traditionally wage rates and conditions of employment were negotiated on the basis of occupational labour markets. The new regime has made the enterprise the basis of bargaining. Rubery (1988:259) considers that different systems of labour market organisation and

regulation are the most likely explanation of cross-national differences in levels of male and female pay and in rates of change. The effect of the Employment Contracts Act 1991 on the bargaining power of women and on pay differentials is one of one of the questions addressed in this thesis.

Another central question is the effect of particular labour relations regimes on collective organisation and forms of collective action by women workers. In the discussion which follows of the history and mechanisms of the traditional labour relations system, the focus is on the way it supported unionisation and effective bargaining for workers in female dominated occupations. Legislation reviewed later in this chapter included a series of changes to key features of this system. Later chapters detail of how the removal of, first, compulsory unionism, then compulsory arbitration and finally occupational awards affected unions organising clerical workers, nurses and cleaners.

### **Corporatism through State Arbitration**

Unions were first recognised in New Zealand law by the Trade Union Act of 1978, but the foundation of the traditional labour relations system was laid with the Industrial Arbitration & Conciliation (IC&A) Act, 1894, covering private sector employment. Unions which opted to register under this Act traded their right to strike for state conciliation and arbitration of wage negotiations and registered, non-competitive coverage of particular occupations. The institutions established for conciliation and arbitration were sites of corporatist negotiation, not legal judgement. Until 1973 the three-person Arbitration Commission consisted of a nominee each from unions and employers and a state appointed judge, to whom union officials and employers' representatives presented their respective cases. The arbitrated awards which resulted were registered, legally enforceable documents setting wage rates and conditions and had blanket coverage of all workers doing the particular work described and all employers who engaged such workers.

The history of labour relations legislation shows the extension of this option to different kinds of workers, and the shifting balance between the right to strike, the right to arbitration and forms of compulsory unionism. An understanding of the history and mechanisms of the system of occupational awards is important to an assessment of the Employment Contracts Act, 1991 which replaced that system.

The Long Depression of the 1880s and 'sweated' female labour gave rise to the first unions for women: the Dunedin Seamstresses in 1889 (Street 1993), followed by Domestic Servants Unions in Dunedin and Christchurch, a Waitresses & Female Cooks Union in Auckland and in several centres unions for women bootmakers (Roth 1973:12). In 1890 ship owners set out to break the maritime unions in both New Zealand and Australia. Strikes joined by miners, watersiders, transport and other unions were defeated when both governments backed employers, because of the importance of shipping to agricultural export economies. In 1894 a newly elected Parliament including Labour as well as Liberal Members passed the IC&A Act which offer arbitration by the state as an alternative to strike action over disputes. The labour movement's support for the Act was more than a response to defeat in 1890, as it is sometimes described. It was a political strategy following a long period of economic depression and industrial weakness (Stone 1963; Holt 1986; Simpson 1987; Walsh & Fougere 1987:188). Not all unions initially opted for this corporatist strategy, preferring to retain their right to strike. Over the first three decades of its operation, conciliation boards settled most disputes with few cases reaching the Arbitration Court, although court decisions established general patterns, including that of relativities between occupations (Robertson 1991:31; Hince 1993:10).

Initially the Act was restricted to 'industrial' trades. Teachers, nurses and the still small public service were also excluded. This meant few women in paid employment had access to the Arbitration Court. Without such protection, women suffered more than men in the aftermath of the strikes, few of their unions survived, average female wages fell and women were the last to benefit when prosperity returned (Roth 1973:129). For women who did have access to conciliation and arbitration - those in factories, hotels

and restaurants - awards were popular since they levelled up wages and conditions to a uniform standard for their occupation (Robertson 1991:32).

In 1900 definitions in the IC&A Act were widened to cover distributive trades, which increased its application to the female workforce. In 1908 domestic service, the most common employment for women, was expressly excluded on the grounds that they were not employed for 'the direct or indirect pecuniary gain of the employer'. Agricultural workers were also excluded (Brosnan, Smith & Walsh 1990:32). The state was declining to intervene in the private sphere of the family or the family farm (Franzway, Court & Connell 1989:21; Delphy 1984). Small unions covering clerical and shop work formed in the main cities but found it difficult to organise members as employers orchestrated opposition politically and among some employees, including some women (Moynihan 1986:5-9). Few of these occupational unions survived, but in the early 1920s 'guilds' operating outside the discourse of unionism, and outside Arbitration Court control or protection, were formed among employees in banking and insurance, shipping and local authorities.

This was a period when increasing numbers of women were finding paid employment in areas of work which had been male preserves. Stephen Robertson (1991:41) shows the variety of ways in which early Arbitration Court rulings and the policies of unions with regard to women members and equal pay rates were 'systematising, structuring and sustaining the segmentation of the labour force which served variously the interests of male workers and employers'. In his view, the benefits to women were incidental to this key consequence. Some women initially opposed an award setting clerical wage rates because it might be used to 'shut the door on them' (Moynihan 1986:7). Nevertheless, as labour markets expanded and experienced shortages during the First World War, women were absorbed into horizontally and vertically segregated female dominated occupations. Women did make gains through the arbitration system but these were in direct proportion to the level of union organisation that women were able to achieve (Street 1993:46).

The real breakthrough for the unionisation of women came in the labour law reforms of 1936, following the Great Depression (Stone 1963:218). By the 1936 Census around 20% of weekly wage workers were clerks and shop assistants, with women more than 50% of the clerical workforce (Moynihan 1986:10-12). In 1931 both the public service and the Arbitration Court cut wages by 10% (Moynihan 1986:8). Relief rates for the unemployed were also cut, but women and Maori workers had no right to these (Simpson 1990:64). In 1932 the IC&A Act was altered, allowing employers to refuse state arbitration on the settlement of awards. The Minister of Finance argued that award restrictions militated against unemployment (Simpson 1990:59-60), a view also expressed by Business Roundtable spokespeople and Treasury documents in the 1980s (Myers in NZBRT 1987; NZBRT 1989; Brook 1989:199,284; Myers 1992:13; NZ Treasury 1984:240, 1987:278). The removal of compulsory arbitration as an alternative to industrial action or lockout allowed employers to cut wage rates without interference from the Court and a number of awards collapsed (Stone 1963:216-7; Walsh 1986:148-9).

The new Labour government elected in 1935 restored compulsory arbitration and made union membership compulsory by law for workers covered by an award. A minimum wage was implemented, together with a mandatory 40 hour, Monday to Friday week, outside which penal rates applied. The aim of this was to raise the cost of labour outside the standard week so as to spread available work to the unemployed (FOL 1938)<sup>1</sup>. In 1938 the new Federation of Labour took a case to arbitration for a Standard Wage based on the cost of living (FOL 1938), on the basis of which developed a web of arbitrated occupational relativities. Awards established minimum rates for female dominated occupations not previously unionised. Until 1972, however, they also institutionalised lower female rates as the corollary of the principle, enshrined in the IC&A Amendment Act, 1936, that a man's wage should be sufficient to 'maintain

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<sup>1</sup> As shown in Chapters 8 and 9, penal rates compensating for unsociable hours of work became an important feature of occupational awards in health care and hospitality. In the recession of the late 1980s, however, they became a focus of employers' strategies to lower labour costs.

a wife and three children in a fair and reasonable standard of comfort', whether or not they were in fact supporting families (Du Plessis 1993:211-12).

Compulsory unionism was the crucial element in the 1936 reforms which facilitated the unionisation of women in typically female service occupations. Compulsory unionism was a long standing policy of the Labour Party (Simpson 1990:86). Implemented for the first time through legislation, it replaced weak and easily circumvented clauses which the Arbitration Court had at times allowed in awards requiring preferential hiring of suitable union labour where available. Labour's aim, originating in earlier 'Red Fed' visions of international socialism (Stone 1963; Olssen 1988), was the registration of unions and awards covering the whole of the working class.

The IC&A Act, 1936 was a corporatist arrangement which balanced the negotiating power between unions and employers within a state regulated institution. It can be understood as a set of interacting mechanisms which provided state support to unions, as well as state control of both unions and employers. From 1936, these interacting mechanisms were **legal recognition and registration of unions** with a particular membership coverage; **compulsory state arbitration** of negotiations and disputes between unions and employers in accordance with the legislation and a growing body of Arbitration Court precedents; and legally enforceable **national awards with blanket coverage** of all described workers and their employers, including subsequent parties. The organisation of workers into viable unions was supported by making **union membership compulsory** in occupations for which an award had been registered.

The mechanisms of the IC&A Act were mutually reinforcing. Union registration and compulsory membership made unions viable; centralised arbitration ensured unions could settle and enforce awards without disruptive (or ineffective) industrial action; awards with blanket coverage provided market minimums, protection and stability to union members.

Under this corporatist arrangement unions as a group had traded their right to strike to secure their right to associate and their right to state arbitration of disputes. To secure legally enforceable, non-competitive coverage of a particular occupation, in which workers were obliged to become union members, unions registered under the Arbitration Act (rather than the old Trade Union Act 1878). In doing so they submitted to Arbitration Court control, and unions with industrial muscle did not always see this as to their advantage. Should a union deregister in order to take industrial action, however, as the Waihi miners did in 1911 (Street 1993) - or be deregistered by government as occurred in the 1951 waterfront strike (Scott 1952), there was a risk that a new union with full legal coverage would be registered in its place. Some historic strikes - and historic defeats - occurred when the arbitration system was used to constrain unions in ways which outweighed its benefits to them (Simpson 1990:77-79; Street 1993:60-63; Scott 1952).

The linkage between industrial action, arbitration and compulsory unionism has been a central issue in the major disputes through New Zealand's labour history, and at the centre of the shifting politics of corporatism. In the prosperous 1960s there were illegal strikes by some industrially strong unions and a small minority of unions and employers went outside the arbitration system to negotiate 'second tier' documents supplementing national awards (Walsh 1993:181). The implementation of National's policy commitment to voluntary unionism was forestalled by Federation of Labour threats to walk away from the entire arbitration package (Walsh 1986:156-158). The system was generally recognised as supporting industrially weak unions while curbing the industrial strength of militant unions (Franks 1987; Walsh & Fougere 1987:188; Simpson 1987) which, in the prosperous post-war years, might have benefited from operating outside the system.

Some commentators have seen 'mobilisation' unions as the leading edge of unionism whose successes also benefited 'arbitrationist' unions which did not support their struggles (Brosnan, Smith & Walsh 1990:101). Arbitrated occupational relativities may indirectly reflect industrial muscle, but annual awards rounds have traditionally been

led by the largest male dominated occupations, not the most militant, and have always been argued on the basis of the cost of living and skill recognition, not ability to disrupt. Despite resistance by some unions to arbitration, nearly all unions have remained within the arbitration system through its history; those which stepped outside the corporatist rules, in 1890, 1891, 1913 and 1951, were soundly defeated by employers backed by the full force of the state (Scott 1952; Stone 1963; Bassett 1972; Simpson 1990; Street 1993).

The arbitration system cobbled together unions with disparate industrial strength behind a single corporatist strategy in relation to employers and government. The resulting tensions and shifting balances underlie the 'strange ambivalence' of 'the unions' towards these mechanisms (McCarthy 1983:6). The situation of different unions with regard to compulsory unionism, compulsory arbitration and industrial action continues to be central to much of the internal politics of the union movement over strategic directions. In Chapters 7, 8 and 9 I explore the reasons behind the historic support of large female dominated unions for compulsory arbitration and compulsory unionism. This helps explain dissent within the union movement and the position of some unions for female dominated occupations in relation to the politics of corporatism.

It was the addition of compulsory unionism to the IC&A Act in 1936 which made possible - but by no means automatic (Franks 1987) - the extension of the award system to low paid, typically female service occupations. Most had previously been unorganised or had found it hard to sustain organisation. Compulsory membership ensured unions' financial viability. Coverage of workers was coordinated by the new Federation of Labour and between 1936 and 1938 union membership, having fallen from 103,980 in 1928 to 80,929 in 1936 (Walsh 1986:148) had doubled to 164,987 by August 1937 (F.P. Walsh papers). Two of the unions which are the focus of this study, covering clerical workers and cleaners, effectively date from the 1936 reforms, while another, for hotel & hospital workers, greatly expanded its membership with the introduction of compulsory union membership.



Although 'compulsory unionism' and 'voluntary unionism' are the usual terms, only from 1936 to 1961 were employees obliged to belong to a union by law, rather than by a clause in an award to which both employers and unions were party. Generally this obliged employers to give hiring preference to union labour. Before 1936 the Arbitration Court had allowed various versions of this, in recognition of the stated objective of the 1894 Act 'to encourage the formation of industrial unions and associations'. After 1916 it allowed only weak clauses requiring 'qualified' preference where suitable union labour was available. Unions sought 'unqualified' preference clauses, which effectively meant employers required their workers to sign up with the union on being hired<sup>2</sup>. In 1961 a National government amended the IC&A to require 'qualified' or 'unqualified preference' by employers for union labour, as agreed or as decided by a membership ballot (Walsh 1983). This situation still placed the onus of union recruitment on the employer, rather than on union officials. From the late 1970s National focused their opposition to compulsory unionism on such ballots. This political pressure, as well as dissatisfaction among some union memberships with the level of workplace servicing by officials, led to increases in organising staff, including the hiring of more women. This issue is given particular attention in examining the clerical workers unions.

The centralised nature of award negotiation and forms of compulsory membership institutionalised the role of unions in a way that involved little participation by members. Officials did not need to actively recruit or service members. In the post-war period, generations of union members had little understanding of what union officials did for their membership fee. This contributed to many members' dissatisfaction with compulsory unionism, particularly women members.

*"What unions have done in this country for years and years is go around their members once a year and ask what sort of wage increase do they want. That's been the beginning and end of it."* (NZNU Organiser, January 1991)

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<sup>2</sup> The equivalent expression in Britain would be 'post-entry closed shop'.

The key to the award system, both before and after the 1936 reforms, was that awards had 'blanket coverage' of all categories of occupation described in the award. It bound all employers hiring such workers, regardless of their participation in award negotiations. The basic principle of unionism is that members act collectively to protect their economic interests and to avoid undercutting the earnings of others through individual competition for jobs. The national award system enabled unions to negotiate centrally for an award to protect wage rates across a particular occupational market, without the need for industrial strength. Blanket coverage meant that no workers - or no employer - could legally undercut minimum rates and conditions. Even in occupations where above-award rates became usual in local markets, the award placed a national 'safety net' below which wages for that occupation could not fall.

For most unions there were considerable benefits in the arbitration system, but also costs. The penalties were state regulation of union organisation and loss of freedom to take industrial action (Brosnan & Wilson 1989:2). At different times some employers as well as some industrial unions objected to control by the Arbitration Court (Walsh 1986:149) despite representation of unions and employers within the Court. At the time of the 1951 waterfront strike, employers and the government saw merit in the system (Walsh 1986:149) in that it could be used against 'militant' unions, backed by the voting power within the Federation of Labour of large, pro-arbitration union memberships (Scott 1952:53). However, the system maintained relative industrial peace and, more importantly, national rates of pay which stabilised wage costs across the labour market, and were aimed at stabilising the economy in the late 1930s (Walsh 1986:155; Walsh & Fougere 1987:191; Deeks 1990:107; Brosnan, Smith & Walsh 1990:31).

### **The End of the 'Historic Compromise'**

New Zealand's traditional pattern of labour relations, complemented by 'social wage' aspects of the welfare state (Du Plessis 1993:211-12), has been described as a 'historic compromise' between capital, labour and the state developed to stabilise the

economy after the downward spiral of Depressions in first the 1880s, then the 1930s (Jesson 1989:9,14-21; Simpson 1990).

Corporatist arrangements in New Zealand have been analysed as a shifting pattern of interests and alliances between capital, labour and the state (Holt 1986). The image of a dance through time - a three-partnered polka in which first one leads, then another, to the melody of current legislation and the changing rhythm of economics - is an extremely useful one for grasping the shifting interests and alliances through New Zealand's labour relations history. Yet it is also simplistic, since it presents each of the partners - capital, labour, the state - as unitary, monolithic entities pursuing a coherent set of interests. A more diverse reality appears in the case studies which follow. The fragmented nature of 'capital', 'labour' and 'the state' is best revealed in politics directed at overcoming that fragmentation. As institutionalised arrangements were loosened through the 1970s and 1980s, the organisations of both capital (Vowles 1985; Brosnan, Walsh & Rowe 1985; Taylor & Greenslade 1986; Wanna 1989) and labour (Campbell & Kirk 1983:99; Harvey 1992; Wilson 1989:106) have attempted to develop centralised policy and integrate the activities of independent affiliates within 'corporations', in order to improve negotiation and delivery at the macro level of political influence, tripartite talks or the Compact.

The central purpose of this research is a closer examination of 'labour', one of the partners in the dance, to uncover some of the diversity of interests, positions on issues and strategies of working women, and the reasons for these. Analyses of media coverage of labour relations issues not uncommonly remark on the 'strange ambivalence' or contradictory positions of 'the unions' (McCarthy 1983:6; Boxall 1991:287), with little recognition of the differing voices which give rise to such apparent incoherence. Others report the view of centralised leadership without acknowledging dissent and divergence within the union movement. This thesis allows some of those voices of 'labour' to be heard.

The changing interests of 'capital' in New Zealand were central to the economic and policy changes of the 1980s and to changes in labour relations legislation (Easton 1989; Roper 1993a&b). From 1935, employers supported state policies which

established a stable domestic market behind a wall of tariff protections, helping many leading New Zealand companies to grow, then diversify (Chapman 1981:335; Jesson 1987). The corporatist compromise of national wage awards covering a wide range of occupations reflected employers' wish to stabilise competition between employers and to limit union wage claims (Deeks 1990:107; Brosnan, Smith & Walsh 1990:31).

However, by the 1980s employers' views on labour relations varied greatly according to the size of enterprise (NZCWU 1990, 1991a&b; McAndrew & Hursthouse 1990, 1991; Webster 1993:247). The interest of large companies, now fledgling multinationals, shifted to favour deregulation of exchange and tariff controls to allow their further expansion (Jesson 1987). The accumulation of capital in a domestic economy with limited opportunities for profitable expansion also led to pressure to privatise potentially profitable public services which had been capitalised and developed by the state (NZBRT 1988a, 1992; Danzon & Begg 1991; NZPSA 1989a&b).

A steady push for neo-liberal policies and full labour market deregulation came from the NZ Business Roundtable, a lobbying group of New Zealand's largest companies formed in 1981 (NZBRT 1987, 1988a&b, 1989, 1990; NZBRT/NZEF 1992; Walker 1989; Brook 1989, 1990a&b; Danzon & Begg 1991; Myers 1992). From the mid 1980s a proliferation of publications, speeches and press releases opened that business lobby up to public view. The Business Roundtable represents the 'inner circle' of a corporate class fraction centred around finance capital, a self-reproducing oligarchy of New Zealand and multinational business interests (Murray 1989; Alexander & Murray 1991). As one feminist unionist commented:

*"I doubt if even 1000 years of history will lend romance to the present Roundtable, though I expect their class position is the same. King Arthur rescued princesses, not working girls."*

Some, though not all, of these companies are large employers<sup>3</sup> with an interest in enterprise specific negotiations. In the late 1970s some had been involved in major

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<sup>3</sup> In 1991 less than 1% of business locations had more than 100 workers, although 25.3% of all employees worked for such large employers. However, total employment by '100+' employers had declined 19.6% since 1987 (Dept Stats 1991:20-21).

disputes, often about redundancy agreements, with unions whose strength stemmed from a strategic position in the economy or infrastructure - for example in freezing works, at the Kinleith paper mills, or the construction sites of the 'Think Big' energy projects. A 'second tier' of agreements began to develop which supplemented occupational awards, mainly in male dominated areas (Urban Research 1987:21; Walsh 1993:181). The interests of some major employers were no longer served by traditional occupational negotiations, in which the common interests of all employers and all employees in a particular labour market were represented.

However, most New Zealand companies are small. The typical firm employs 6-10 people, and it is among these and still smaller firms that employment growth is occurring<sup>4</sup>. Their interests on economic policy or labour relations strategy did not necessarily coincide with those of companies deploying large local or foreign capital. Centralised award bargaining gave wage stability with low transaction costs and medium sized and small employers considered the options available under the Labour Relations Act, 1987 offered sufficient flexibility (Taskforce on Competitiveness in Easton 1990b:9; McAndrew & Hursthouse 1990, 1991; Franks 1990). Part of the Business Roundtable's politicking in the late 1980s was directed at bringing the NZ Employers Federation, its affiliated employer associations and employers themselves into agreement with its deregulatory views and tactics (Walsh 1989:156; Herbert 1990). The free market view was that greater labour market flexibility was the way to economic growth, despite lack of international evidence for this (Easton 1990:9). There was evidence, however, that the New Zealand labour market in the 1980s was more flexible than in most OECD countries (Walsh 1993:188; Harbridge 1990).

The political activism of the Business Roundtable was central to the spread of neo-liberal economic thinking in New Zealand and to changes in state policy (Easton 1989:9; Boston 1989:70; Walsh 1989:149; Roper 1993b). Its advocates argued the economic superiority of 'free market' forces and private sector management over state regulation and state provision of services (Hayek 1935; Friedman & Friedman 1980;

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<sup>4</sup> In 1991 overall employment by employers with 10-49, 50-99 and particularly 100+ workers decreased, but increased slightly in small firms. Total employment contracted 0.5%, although parttime work increased 0.9% (Dept Stats 1991:20-21).

Upton 1987; Walker 1989; Brook 1990a). Neo- liberalism posited society itself as a market in which self-interested individuals competed freely to the benefit of all. These views had spread from the Chicago School of Economics to university economics departments in New Zealand and elsewhere, to New Zealand business circles, to leaders of Federated Farmers, and to the NZ Treasury (Jesson 1987; Easton 1988; NZPSA 1989; Bremer 1993:125). This 'methodological individualism' (Goldfinch & Roper 1993:57) underlay the economic and social policies of the late 1980s and early 1990s, known popularly as 'Rogernomics' and 'Ruthanaesia'<sup>5</sup>.

Free market ideology has a spurious equality which is blind to power and exploitation, to cooperation and the support of dependents, to gender and race (Hyman 1992; Hill 1992). The extension of 'economic orthodoxy' (Hyman 1992) to the labour market did not recognise the inappropriateness of the commodity auction model (Easton 1987; NZPSA 1991). Work cannot be separated from workers, who are unlikely to have perfect market knowledge or be fully mobile within the market, who have a limited shelf-life and cannot discount their labour below the cost of subsistence for themselves and their families.

Nevertheless, new right liberalism was espoused by key Ministers in the Labour government and remained the dominant analytical framework under the 1990 National government (Roper & Rudd 1993:xiii), which focused its attention on labour market 'reform'. While neo-liberals advocated a 'devolution' of central government power or a 'withering of the state' (Upton 1987; Walker 1989), in fact the state continued to set the legislative framework within which labour relations are conducted and to provide for enforcement of that legislation through the courts. As this study makes clear, changes in this framework over the 1980s and especially in 1991 increased the power of employers in relation to workers and their unions (Anderson 1991). Capital has set the tune to which the state dances, with labour hopping to catch up. How could this come about in a liberal democracy with a high level of union membership, and under a Labour as well as a National government?

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<sup>5</sup> After Labour's Minister of Finance Roger Douglas and National's Minister of Finance Ruth Richardson.

Although political critiques and policy analyses have been written which tell us *how* (Jesson 1987, 1989; Easton 1989; Deeks & Perry 1992; Harbridge 1993), some additional explanation of *why* is offered by sociological theory on the complex and contested nature of 'the state', and, conversely, of its own changing interests in labour relations.

### **Change in the Role of the State**

Recent theoretical work sees the state as not automatically capitalist or patriarchal, yet not necessarily on the side of the voters who elect its government (Offe 1984; Jessop 1979:190-193; Franzway, Court & Connell 1989; Watson 1990; Pringle & Watson 1992). The state is postulated as a historically specific, loosely bounded set of arenas for political struggle between groups with different interests and very different power. The institutions and legislation which are outcomes of this struggle not only reflect the gender inequalities and patriarchal practices of wider society, but construct and institutionalise them. The state is 'a social process', but as those processes are institutionalised over time the state becomes 'a social force in its own right, not just the vehicle of outside interests' (Franzway, Court & Connell 1989:33).

Several analyses trace policy changes under Labour in terms of struggle and contested outcomes (Oliver 1989; Walsh 1989; Wilson 1992). In the accounts which are the focus of this study, union officials speak of struggle with the state, within some of its arenas and over its institutional forms. These struggles were profoundly affected from 1984 onwards by changes to the labour relations legislation which flowed from a major change in the dominant discourse about the role of the state in the economy.

Since colonisation, the state has played a central role in New Zealand's economy as it was best able to access the international capital necessary for rapid development. From 1935 the 'historic compromise' between capital and labour involved an expansion of that role, not only to ensure the conditions for capitalist relations of production (Offe 1984:120) but the wider social infrastructure. Under the first Labour government (1935-1949), the domestic market was protected through exchange controls, tariffs and licensing; the labour market was stabilised through an expansion

of arbitrated awards; and the social environment through state provision of a tax funded 'social wage' (Chapman 1981:334-347; Simpson 1990:86; Du Plessis 1993:211-12). This reflected a liberal democratic view that the state bore a responsibility for social equity and for public service.

But the welfare state's ability to provide these services, ensuring the political support to legitimate its authority, was dependent on revenue generated by a capitalist economy (Offe 1984:120). From the 1970s New Zealand's economy began to be affected by global recession, European import controls and shifts in the international deployment of capital and capitalist production. By the 1980s, a reduction in state spending was seen as the necessary solution to large external and internal deficits, by both Labour and National governments, as it had been by the United and Coalition governments in the Depression of the 1930s (Chapman 1981:221-223; Simpson 1990:59-65). Free market economic theory advocating the 'rolling back the state' and its tax-subsidised monopolies in the market provided the ideological backdrop for this (Kelsey 1993; Upton 1987; Walker 1989; NZPSA 1989a:9; Roper & Rudd 1993). Governments attempted to minimise their political liabilities as well as fiscal ones by retracting the amorphous boundaries of the state back to its 'core' functions (Harris 1989:4). Some services were 'corporatised' to be run as businesses, leaving - if possible, selling - the rest to the 'romanticised efficacy' of the private sector (Easton 1989:125). But not even the share market crash of November 1987 slowed government enthusiasm for the market model.

The commercialisation of the welfare state on these lines was the 'policy equivalent of a scientific revolution' (Easton 1989:114), which was nevertheless espoused by the majority of MPs of both the fourth Labour government and the 1990 National government. A strong part in achieving this fundamental policy shift was played by Business Roundtable lobbyists and by a web of former and current Roundtable members appointed to positions in State Owned Enterprises and to government review committees on restructuring the state (TUEA 1987:11; Roper 1993b:151; NZ Taskforce 1988; Gibbs 1988).



An even stronger part was played by a neo-liberal lobby within the very heart of the state - the Treasury (NZ Treasury 1984, 1987, 1990; Oliver 1989:16-27; Boston 1989; Goldfinch & Roper 1993). It was the conjunction of the views of Labour's Minister of Finance and the policy advice and financial control of the NZ Treasury which put the free market agenda into policy and state practice (Easton 1988:9,124; NZPSA 1989a:7; Goldfinch & Roper 1993). A link of ideology - and even language - between NZ Business Roundtable and NZ Employers Federation publications can be traced through Treasury documents (Jesson 1987; Easton 1989:8-9; Boston 1989), briefings to incoming governments (NZ Treasury 1984, 1987, 1990), influencing government policy and legislation (Roper 1993; Goldfinch & Roper 1993).

The full market liberalisation programme of government, advocated by Treasury and Business Roundtable economists, progressed in three stages - two under Labour, one under National. The first liberalised New Zealand's interface with the international economy while tightening monetary policy to curb inflation (Easton 1987, 1989). As overseas investment chasing high New Zealand interest rates kept the floated dollar high, the increasingly unprotected rural and manufacturing sectors suffered while the finance sector boomed (Jesson 1987; Collins 1989; Bremer 1993:125-6). Internal and external deficits remained high and unregulated offshore borrowing by the private sector increased. The second stage attacked the deficit and government expenditure through state restructuring, including major social policy shifts, budget tightening and redundancies. The third stage, directed at increasing New Zealand's international competitiveness through deregulation of the labour market and lower wage costs, came only after a change of government.

The fourth Labour government made moves towards labour market deregulation in the Labour Relations Act, 1987 which encouraged bargaining flexibility in both the contractual form and the content of wage negotiations. However, this was a limited response to the Business Roundtable agenda which also gave weight to the concerns of unions. In fact, labour market regulation was increased in Labour's second term through legislative changes aimed at increasing employment equity for women, Maori and Pacific Islands workers. These changes were a response to strong lobbying by women inside and outside unions and the Labour Party, but were a growing

contradiction with Labour's free market economic policies (Hyman 1988:238; Du Plessis 1992; Wilson 1992). Internal party conflict over policy directions was reflected in leadership changes before the 1990 election. When Labour lost, radical labour market deregulation and the repeal of employment equity legislation was National's first task in office.

The responsibility of the liberal democratic state for social equity is theorised as the means by which the state legitimates power over voting citizens (Offe 1984:135,156). This concept of legitimation provides some explanation for the contradictions under Labour and for differences between the two parties when in power. The individualism and competition of free market philosophy fit National's traditional electoral constituency rather better than Labour's, despite National's history of government intervention. The NZCTU's economist attributed the shift to 'more market' policies by governments of both parties to decay in the 'social consensus' (Harris 1991:2), given the inability of traditional interventionist policies to continue bridging gaps between local and global economies. However, he did not believe that neo-liberalism represented a replacement consensus, but rather

...an opportunist use of the emerging policy vacuum by the libertarians...No replacement, broad-based social vision emerged. (Harris 1991:2)

A crucial factor, however, in the espousal by governments of both parties of neo-liberal policies is, I believe, the changing interests and position of governments as managers of state institutions. Through the case studies 'the state' is met in a number of its aspects - as regulator of labour relations and of professions, as arbiter of equity, as a service provider and as a major employer.

What Claus Offe calls the contradictions of the welfare state have been amply illustrated by the policy shifts of New Zealand governments through the current recession. The supposed neutrality of the state as liberal arbitrator has been undermined by its ultimate dependence on the success of capitalism for tax revenue (Offe 1984:120) to fund its social services and equity promises. As 'managers' of the economy and 'the public good', liberal democratic governments have a stake in the corporatist arrangements between capital and labour, whose interests diverge in times of recession. Recent governments have been swayed on economic and labour

relations issues by the interests of large employers. Their receptiveness to this lobby arises from two sources: their dependence on capitalist success for state revenue, and their own interests as 'managers' of a complex state 'enterprise' employing a large female dominated workforce. The position of both Labour and National governments on labour market deregulation and pay equity was far from that of a neutral arbiter.

### **Towards the Labour Relations Act, 1987**

By the 1970s, the 'historic compromise' on labour relations began to come under pressure from a number of directions. As detailed in Chapter 7 there was dissatisfaction among some union members with compulsory unionism, while some unions had begun to use illegal industrial action in disputes, rather than arbitration (Walsh 1993:181). Differences were also emerging between the interests of government and the interests of some employers and unions who sought a loosening of control through arbitration.

The centralised conciliation and arbitration system for wage bargaining provided governments with valuable leverage through General Wage Orders by the Court which set the level of annual wage rounds. As the institutionalisation of corporatist relations, rulings by the Arbitration Court could reflect state interests while, to some degree at least, insulating governments from electoral consequences within the political system (Walsh 1993:184). In 1968, after a major devaluation when Commonwealth currencies were detached from the pound sterling, the Court declared a 'Nil Wage Order'. Unions and employers alike objected to what they considered excessive state interference and together used the power of their lay representatives on the Court to overturn that Order. As a result both the Arbitration Court and government lost centralised control of bargaining. Direct government intervention, new wage tribunals and tripartite negotiations lacked the old corporatist consensus (Walsh 1993).

The Industrial Relations Act, 1973, enacted by a new Labour government, introduced an option of direct rather than state arbitrated bargaining. The Act restored order but not full control over bargaining outcomes, as previously. This was the first stage in loosening, over the next two decades, the historic link between the right to arbitration

and the right to strike. A distinction drawn from North American labour legislation (Boxall 1991) was made between the Court's responsibility on 'disputes of interest' and 'disputes of rights'. 'Disputes of interests' related to the interests of unions or employers in the negotiation of an award, and on these the parties could now agree to negotiate directly. However, each party had the right to seek 'compulsory arbitration' - compulsory for the other party - if settlement was not reached. 'Disputes of rights' were about enforcement of awards once agreed and registered, which continued to be fully arbitrated by the Court. 'Composite' documents involving more than one union were permitted. The composition of the Court was also altered; two nominees from unions and employers now sat with three appointees of the state.

In the early 1970s oil price increases and reduced access to British markets led to a tightening of the New Zealand economy (Roper 1993a). Union officials found it more difficult to secure a 'share of the cake' from employers, and membership discontent with the system increased. In the late 1970s criticism grew, on the one hand, of ineffective union negotiators and, on the other, of disruptive strike action by unions with strong strategic positions in primary production and the infrastructure (Moynihan 1986; Walsh 1993:184). The National government (1975-1984) intervened in some disputes, legislating to provide itself with the necessary powers to block industrial action in 'essential industries', and increasingly dictated the level of wage increase in the annual award talks.

Since the Industrial Relations Act, 1973 allowed some awards to be settled outside the arbitration arena, wage levels were less subject to influence by government. However, with direct negotiations backed by compulsory arbitration, by the late 1970s and early 1980s old habits of bargaining around relativities settled into annual award talks with similar settlements. The National government implemented incomes policy both through informal pressure on the first award being settled and through statutory wage freezes. The government found, as in its previous term of office, that statutory income policies and direct intervention raised the political profile of labour relations issues (Walsh 1993:194).

Long opposed philosophically to compulsory unionism (Brosnan, Smith & Walsh 1990:35), National attempted in 1978 to capitalise on public debate about compulsory unionism and industrial disruption through a pre-election attack on the Northern Clerical Union over balloting for 'unqualified preference' clauses in its awards. In February 1984 National's Industrial Law Reform Act introduced voluntary unionism to break the 'tyranny of monopoly union power' (Bolger 1983:25) by making preference clauses illegal, and protected employees from undue duress on union membership. This was passed despite opposition to the Bill from half the regional sections of the NZ Employers Federation and from some industry leaders and major companies (Brosnan 1983:2-3).

This period of voluntary unionism lasted 16 months. A Labour government was elected in July 1984, but the expected repeal came only in July 1985 and was not a simple return to the previous legislative situation. The Union Membership Act restored 'unqualified preferences' clauses to awards, making membership effectively compulsory in the occupations covered. However, clauses had to be confirmed every three years by ballots of the membership covered by each document. The onus of recruitment was shifted firmly on unions; unqualified preference was defined as employees being legally required to join within two weeks of request by a union official. Employers were required to supply a list of employees every three months. This situation continued under the Labour Relations Act, 1987, which confirmed union's access to workplaces and to wage and time records, and obliged employers to allow two two-hour 'stopwork' meetings per year in paid time.

As in earlier ballots on union membership (Holt 1986:59), nearly all groups of union members gave majority support to unqualified preference clauses. The argument of active members and officials in favour of compulsory unionism, a classic one dating back to 1907, was that it shared the costs of negotiation and enforcement among all who benefited from the blanket coverage of awards (Holt 1986:59; Walsh 1986:155). In 1990 60% of the workforce were protected by a union-negotiated award although only 40% were current financial union members (Brosnan, Smith & Walsh 1990:101; Harbridge & Hince 1992:1; Hughes 1993:93). However, by the late 1980s surveys of employers indicated that they were strongly against compulsory union membership in

any form (Geare 1989:239). As this study began in 1990, union officials were expecting that legislation making unionism fully voluntary would eventuate under a future government of either main party.

Analysis of the 1983-5 period of voluntary unionism emphasises the importance for membership retention of award clauses requiring employers to deduct and forward union fees from wages (Harbridge & Webber 1987). Based on official returns to the Labour Department and Federation of Labour each December, unions showed a overall membership loss of 7.1% between 1983 and 1985. Although a greater impact on women workers was predicted, this did not occur. The thirty female dominated unions showed an average membership decrease of 7.2%. However, as Harbridge & Webber point out, these aggregate figures smoothed over considerable differences between unions in both the initial impact of changes to compulsory unionism and longer term effects. The examination of particular unions in this study, in both the 1984-85 period of voluntary unionism and under the Employment Contracts Act, provides some reasons for differing effects of voluntary unionism.

It was the consequences of voluntary arbitration that first attracted my attention to the clerical unions in 1989. The option of either party to seek arbitration on disputes of interest was removed by a legislative amendment in December 1984 under a Labour government elected earlier that year. This had little immediate impact on negotiations, perhaps because conciliation remained mandatory (Hince 1993:8). In the Labour Relations Act, 1987, however, both arbitration and conciliation were made fully voluntary in disputes of interest in the private sector. Criteria laid down for the Court on voluntary arbitration no longer included traditional relativities between occupations. Arbitration remained compulsory only to settle disputes of rights under awards once they were negotiated and registered.

This important change was not part of the Long-Term Reform Committee's consultative report in 1984, but appears to have been developed informally by Federation of Labour leaders and the Labour government (Walsh 1989:153-5). Compulsory arbitration had been traded off against an increased right to strike granted by the 1987 Act. Unions could back their negotiating position with industrial action

within 60 days of an award's expiry date. This change was opposed at the time by industrially weak unions which had traditionally benefited from the arbitration system. In 1989 it led to the collapse of award negotiations for several groups of workers, including clerical, tearoom and restaurant, and hotel workers. Around one third of all women covered by awards were affected (Coleman 1989). To address this situation in September 1990 the Labour government introduced an Amendment providing a option of 'final offer' arbitration, the form of arbitration legislated for state sector negotiations from 1988 (Roper 1988).

But why was it mainly awards covering women which were affected by the shift to voluntary arbitration? This study addresses both this question and the differential impact of the legislation which followed the Labour Relations Act: the Employment Contracts Act, 1991.

In addition to consolidating changes relating to union membership, arbitration and increasing the right to strike, the Labour Relations Act, 1987 also took the first steps towards a change in the basis of bargaining. The Act encouraged industry and enterprise agreements, rather than occupational awards. The initiative for change, however, remained with unions who could ballot members to opt for enterprise bargaining. Registered and enforceable 'second tier' agreements topping up basic awards were disallowed; the Act stipulated that workers could be covered by only one legally enforceable document. Both awards with blanket coverage and signatory-only agreements could be negotiated as composites with workers represented by several unions. This was a step towards restructuring unions on an industry basis. A new requirement for a minimum of 1000 members aimed to encourage small craft unions to amalgamate but also forestalled possible fragmentation of unions which might result from enterprise based negotiations (Walsh 1993:196). When the Act was amended in 1990 to allow 'final offer' arbitration, a concession was made to the employers' lobby for bargaining reform by allowing them, not just unions, to initiate ballots for enterprise agreements.

These legislative changes were a partial response to lobbying by the Business Roundtable, in whose view they did not go far enough (NZBRT 1987, 1988b, 1989;

Roper 1993b). By 1987, the Business Roundtable was seeking a shift to bargaining on an enterprise, not industry, basis. Their argument, although on behalf of New Zealand's largest and most successful companies, was that decentralised bargaining was needed 'to sustain businesses in hard pressed regions and industries' (NZBRT 1987:6). As will be seen in the case study of clerical unions, this same argument had traditionally been used to keep minimum award rates low. But the move to break up occupational awards also matched plans being developed by some union leaders to restructure unions along industry lines as part of their own corporatist strategy.

### **Deregulating the State Sector Labour Market**

The Labour Relations Act, 1987 was followed in 1988 by the State Sector Act which brought traditionally separate wage negotiations for the public service under the same legal framework as private sector awards, as part of a programme to restructure. Fiscal crisis and concerns about managerial efficiency shaped strategic policy decisions about restructuring both state management and state sector labour relations along private sector lines (Walsh 1991:115).

The first target of free market advocates, inside and outside government, was public ownership of state trading departments. The State Owned Enterprises Act, 1986 began a shift from public to private forms of ownership of state institutions, despite an official agenda before 1987 of 'corporatisation' rather than 'privatisation' (Easton 1989; NZPSA 1989a&b). By the early 1990s whole sections of state-developed assets had passed into private ownership - in forestry, steel production, communications and eventually railways.

Part of the Business Roundtable's claim to business opportunities in areas of state 'monopoly' was a critique of inefficient bureaucratic management within the state. This critique was reflected in reviews of government services, often conducted by appointees with a Business Roundtable background (Roper 1993; NZ Taskforce 1988; Gibbs 1988). The rise of 'managerialism' as part of the departmental restructuring and staff cuts which followed such reviews had profound implications for labour relations.



The State Sector Act, 1988 restructured on private sector lines both the management of government departments and labour relations. It was central in tightening up the Westminster-style public service so as to put market-oriented policy rapidly into budget-cutting practice (Walsh 1991, 1992; Hill 1993a). Of the unions studied for this thesis, labour relations changes in the state sector crucially affected the NZ Nurses Association and sections of Service Workers Union membership.

The private sector operated within a model of negotiation which recognised inherent conflicts of interest between employers and workers in wage negotiations and in workplaces. The IC&A Act had been developed within a discourse of class conflict and the need for alternatives to industrial action and disruption (Stone 1963; Olssen 1986; Olssen & Richardson 1986; Simpson 1987; Walsh 1993). The public sector was excluded from the corporatist solution of the IC&A Act, and developed its own wage setting mechanisms within a discourse of service (Roper 1990:4; Walsh 1991). This dated back to 1912 when appointments and promotions, but not salary levels, had been removed from direct political control. At that time the small middle class elite of educated public servants was more interested in career paths than in wage disputes and unionism (Simpson 1993:135-6).

For public servants, employment security ensured the input of 'free and frank opinion' to Ministers. Within a bureaucratic model of control (Kellow 1985), tightly defined and central controlled rules dictated the tasks, authority and limits to discretion of position at each level of organisational hierarchies (Walsh 1991:115). Wage scales and conditions covered all levels of the public service, including managers or 'employer' negotiators. Although lowest ranking employees belonged to unions which also operated in the private sector, all ranks of more middle class occupations were represented by voluntary professional associations, principally the Public Service Association. The right to strike was considered incompatible with ideals of public service. However, despite the attraction of job security, terms of employment resulting from such 'soft' industrial relations slipped behind the private sector in the prosperous 1950s and 1960s. Dissatisfaction led to a Royal Commission and in 1969 the implementation of formal conciliation and arbitration on the private sector model. State

sector pay rates were linked into the web of relativities between private sector occupations, to link them with 'market forces' in a highly regulated private sector.

State restructuring began with reviews of health, education and pay-fixing in the public service - now referred to as the 'state sector' (NZPSA 1988:4; Rodger 1986; Deane 1989; Gibbs 1988; NZ Taskforce 1988). The State Sector Act, 1988 abandoned the bureaucratic model for one which imitated private sector management by introducing direct management control and greater managerial prerogative (Walsh 1991:136), aimed at 'breaking down rigidities to increase efficiency' (Rodger 1986:37). State managers were removed from coverage by collective negotiations and placed on individual, performance based contracts. Professional associations representing members in award negotiations were required to register as unions. Occupational Determinations (awards) and conditions of employment block-negotiated for the whole public service were split up into separate industry/enterprise-style awards for each government department or State Owned Enterprise. The Act brought public service negotiations under the Labour Relations Act, 1987, abolishing relativities between public and private sectors but allowing a similar freedom to strike. In negotiating an award, state unions could, however, opt for a 'final offer' form of arbitration on negotiations, rather than the right to strike (Geare 1988; Roper 1988). The denigration of professionalism and service ideals implicit in this restructuring (Walsh 1992) meant that many state unions - particularly those in the female dominated areas of health and education - chose to retain the option of industrial action.

An interesting aspect of this change and of further changes under the Employment Contracts Act has been the tension between managerialism and accountability in the context of fiscal restraint (Walsh 1992). This is illustrated in the detailed study of the NZ Nurses Association. On the one hand, managerial prerogative and individual performance were emphasised. There was increasing devolution of employer functions - from service-wide bargaining to Departments and units; from Health Department to Area Health Board to Crown Health Enterprises. On the other hand, the measure of managerial success was performance within ever-tightening budgets. Negotiations between 'employers' and unions were closely controlled by the State

Services Commission and Cabinet Committees. Governments have continued to keep a close eye on the interests of the state in wage bargaining.

As will be seen in the discussion of the NZ Nurses Association, these changes pushed public sector unions into taking a stronger industrial stand. However, the shifting line between public and private sector had already prompted the 1987 amalgamation of public and private sector unions into the NZ Council of Trade Unions.

### **Legislating for Labour Market Equity**

In the mid 1970s feminist unionists began organising with the union movement and articulating new interests in relation to labour market regulation. The concerns they were raising were not being addressed within narrow definitions of 'industrial matters' to be negotiated between unions and employers. They began to take issues into the political arena in public campaigns for change, either through separate legislation or through change to the legislation regulating award bargaining. During the 1980s Maori unionists also began to organise around their own specific concerns. These were new groups seeking a widening of traditional corporatist arrangements so as to allow their interests to be represented as part of the interests of 'labour'.

In the post-war years women in both private and public sectors began to express dissatisfaction with lower female rates of pay for the same work, and exclusion from 'male' career paths in the public service (Corner 1988; Hill 1993b). Since these inequalities were being institutionalised by the Arbitration Court and the Public Service Commission, women sought political change. One of the first pieces of legislation which recognised the specific interests of women at work was the Government Service Equal Pay Act, 1960. It was 12 years before equal pay was extended to the private sector by the Equal Pay Act, 1972. Both these Acts came as a result of long campaigns by women and their unions supported by other women's organisations (Moynihan 1986; Corner 1988) and were closely linked to elections in which government changed hands (Hill 1993b). The 1972 Act required that female rates be removed from all awards within three years, resulting in a 6% improvement in the

gender pay gap between 1973 and 1977 (Hyman 1986:213) while contributing only 3% of the 64% inflation over the period (Wilson 1988:13).

Over Labour's two terms of office in the 1980s there was a growing contradiction between economic and labour relations policies which adversely affected women and Maori, and progress made on equity issues which benefited them (Hyman 1988:238; Kelsey 1990; Du Plessis 1992). However, since policy outcomes result from struggle in different arenas of the state, contradiction rather than coherence is to be expected (Pringle & Watson 1992:630).

However, different lobbies in the same area resulted in changes which both benefited women and acted against them in the same legislation. Removal of compulsory arbitration from the Labour Relations Act, 1987 adversely affected negotiations for awards covering large number of low paid women in 1989. Yet it had also added sexual harassment and discrimination<sup>6</sup> as grounds for personal grievance procedures enforceable through the Labour Court. These were included in both awards and later employment contracts. Management restructuring in the state sector adversely affected the senior ranks of the nursing profession, yet the State Sector Act, 1988 required state departments as 'good employers' to establish equal employment opportunity programmes to identify and eliminate barriers causing inequality in employment. These targeted women, Maori and Pacific Islands people and people with disabilities. However, progress has been slowed by continual restructuring.

In 1990 Labour passed the Employment Equity Act as the result of a five year campaign by women in unions and a variety of other women's organisations, as well as women in government departments and the Labour Party (Wilson 1992; Woodley 1993; Hill 1993b). The Equal Pay Act, 1972 did not adequately address the fact that in general women and men do not do the same work, and that the devaluation of women's skills (Phillips & Taylor 1980; Steinberg 1990) contributed to a persisting gender pay gap (Walby 1988; Wilson 1988; Hill 1993b). The Employment Equity Act

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<sup>6</sup> By reason of colour, race, ethnic or national origins, sex, marital status, religious or ethical belief (S.211, LRA, 1987)

extended the state sector requirement for equal employment opportunity programmes to private sector employers with more than 100 employers. It also established an Employment Equity Commission to make independent pay equity assessments between female dominated and male dominated occupations, which were then to be incorporated into award negotiations. It was estimated that the gender pay gap (20% at 1990 average hourly rates) could be narrowed by up to 6% at cost of only 2.5% of the total wage bill (Wilson 1988:13).

Wage fixing through occupational awards provided a direct and effective means of delivering pay equity adjustments. Since pay differentials between men and women were associated with occupational segregation by gender, wage awards which reflected that segregation could redress the problem through the mechanism used to create the gender pay gap. Yet no sooner had Labour passed the Employment Equity Act aimed at improving women's wage rates than it limited the 1990 round of normal wage negotiations to 2% under its Growth Agreement with the NZCTU.

State intervention to provide employment equity was in direct contradiction to neo-liberal lobby for labour market deregulation, and the NZ Business Roundtable and the Employers Federation had mounted a strong campaign against the Bill (NZBRT 1990; Brook 1989:185, 1990b; NZEF 1989a&b; Burton 1989a&b; Du Plessis Novitz & Jaber 1990) using arguments for a deregulated labour market:

Ensuring that women or minorities are not disadvantaged in employment...is in the end, dependent on how well the market itself functions...Equality of opportunity is likely to be best served in a properly functioning labour market.  
(Brook 1989:185)

The 'methodological individualism' of neo-liberal economics allowed inequality to be reconstructed as freedom by assuming that outcomes reflect merit rather than discrimination (see NZ Treasury 1984:240). As the Business Roundtable argued against the Employment Equity Bill:

The experience in the twentieth century of coercive equalitarianism has taught us that attempts to manipulate outcomes in the name of equity only serve to erode freedom and human dignity and to lead to impoverished economic performance.

By contrast, a true concern about equity must emphasise individual freedom and opportunity... The Employment Equity Bill with its focus on equalising outcomes is utterly at odds with this tradition. (NZBRT 1990:i)

The Treasury, as purse controller for the state's own employment of large numbers of women, had taken up similar themes in its own lobby to government, arguing that equity concerns were best met through incomes policy and an efficient labour market rather than through legislative intervention (NZ Treasury 1987:279, 1990:155). There were warnings that legislative intervention for pay equity, like minimum award rates, would lead to fewer job opportunities for women (Burton 1989a&b; Brook 1989:203). Arguments that labour market deregulation would allow women, Maori and Pacific Islands workers and young people to price themselves into a job (Brook 1990:76; NZ Treasury 1987:279; Myers 1992:13) suggest an underlying assumption that 'disadvantaged groups' were inherently worth less than other workers, despite the challenge of feminist unionists to compare the specific skills used in particular jobs.

National's Shadow Minister of Labour, Bill Birch, also joined the lobby against the Employment Equity Bill (Birch 1989), as the influence of the Business Roundtable and Employers Federation on National's labour relations policy grew (Walsh & Ryan 1993:15; Roper & Rudd 1993:viii). When National came to power in 1990, the three month old Employment Equity Act was repealed. National saw occupational segregation rather than the under-payment of skills as the cause of the gender pay gap, but any solution was to be voluntary and individualistic. The role of the state was limited to encouraging employers to implement equal employment opportunity programmes (Working Party on Equity 1991).

### **Corporatism as 'Strategic Unionism'**

In 1987 the private sector Federation of Labour and the Combined State Unions amalgamated to form the NZ Council of Trade Unions. This amalgamation was a logical response to the blurring of lines between public and private sectors and the proposed merging of traditionally separate bargaining systems which was achieved through the Labour Relations Act, 1987 and the State Sector Act, 1988.

Earlier Acts had confined private sector unions to negotiating on a limited range of 'industrial matters', essentially wages and conditions of employment (NZCTU 1988b:2; Brosnan, Smith & Walsh 1990; Harvey 1992:60; Hince 1993:9). This meant employers could refuse to deal with unions in relation to changes in labour processes and new technology, as well as sexual harassment and pay equity. In response to union pressure, the Labour Relations Act, 1987 included specific procedures for 'new matters' to be negotiated. To balance the success of the Business Roundtable with government, leaders of the new NZCTU also began seek to greater input into economic and social policy. They began to express a greater interest in and responsibility for economic growth (Campbell & Kirk 1983; Harris 1991, 1993).

*"It really is a debate around whether you seek to distribute what is earned or whether you seek to influence what is earned and then in the distribution. We never had an ability to influence the size of the pie that goes to the working class."*  
(NZCTU Official, May 1992)

The rise of neo-liberal economics in the Labour government was paralleled by a rise in importance of economists in the union movement. They broadly accepted the orthodox economic analysis of New Zealand's problems, though not the neo-liberal solutions (Campbell & Kirk 1983; Harris 1991).

*"Before that, no-one cared about economics, it was just the means of production. How to share it out, that's what we were all about...Everyone thought, economists, economists, and bowed down, 'Four legs good, two legs bad.' Economics, it's a mystery. They didn't apply to it the analysis that they had."*  
(ex-NZCTU Official, May 1992)

From the mid 1980s industrially strong unions, which had traditionally felt disadvantaged by the compromises of the arbitration package, were adversely affected by economic policy changes, industry restructuring, redundancies and membership losses (Harbridge & Webber 1987:85). NZCTU strategies began to emphasise job retention, economic growth and influence on government policy, rather than industrial action. NZCTU officials began to promote a Compact with the Labour government which would provide greater consultation and union input into policy matters to balance the influence of the Business Roundtable (NZCTU 1988b, 1990a; NZ Govt 1989; TUEA 1989).

The Compact was a strategy to formalise corporatist negotiation at the macro level in a way which would include and bind political leaders. Tripartite talks - a hybrid form linking corporatism and parliamentarism (Jessop 1979:195) - had been organised intermittently and with limited success since the early 1970s. As Lehmbruch (1982:24) observes, forms of corporatism in which contact is restricted to leaders at the top of autonomous hierarchies retain the option of a low cost 'exit'. This contrasts with the stability of the award system which integrated unions and employers more firmly into corporatist negotiations.

The Compact was never more than bipartite. After the Economic Summit of 1984 the Business Roundtable rejected tripartism (NZBRT 1989), since union leaders would use it to block economic and state restructuring because of the social impact. However, as well as being a corporatist strategy, the Compact was a strategy to realign the policies of labour movement and Labour government.

In the early 1980s a tripartite approach to policy, particularly on prices and incomes, was proposed by the 'corporatist tendency' within the Labour caucus and Labour Party, but was defeated by Labour's free market Ministers (Oliver 1989:12,37). Some 'Rogernomics' supporters saw unions as 'political baggage' (Harvey 1992:69) and tried to reduce the influence of union affiliates with the Party. However, there remained strong links between the union movement and the party. In 1988 a Compact committee of political and union representatives was set up to study corporatist arrangements elsewhere. As the balance of Cabinet power shifted towards the end of Labour's second term, the 'corporatist' tendency of the early 1980s resurfaced in economic and electoral strategies (Oliver 1989; Easton 1989:181) as well as in strategies proposed by NZCTU leaders.

*"Those ideas got sent through to the CTU through (certain) people...The political connection and policy development in the union movement are inextricably linked in my experience."*  
(ex-NZCTU Official, May 1992)

By the end of Labour's second term the Joint Council of Labour, the formal link between the government and the Federation of Labour which had met perhaps twice a year, became informal but there were almost weekly meetings between senior NZCTU officers and Labour Ministers and staff closely involved in labour relations



issues. The NZCTU leadership and formerly militant production sector unions were ready to grasp this opportunity for 'a third way' between Muldoon's controlling interventionism and Labour's free market experiment, despite dissent among other affiliates (NZCTU 1988b&c, 1989b:5, 1990a; Harvey 1992:64-5,72). The case studies discussed later in the thesis allow closer examination of this dissent and the different positions of unions and feminist unionists in relation to this strategy.

The Compact was to provide 'consultation and meaningful input' into economic and social policy, sector/industry development and consultative arrangements in workplaces (NZ Government/NZCTU 1989). The loosely worded document was signed by the NZCTU President and the Prime Minister in December 1989, but not endorsed by NZCTU affiliates until the following April at a special conference. The policies favoured by NZCTU leaders were aimed at a high growth, high wage, high skill economy, with a role for unions in training and technology changes (Douglas 1993; Webster 1993:238,249). However, the Compact in action was a Growth Agreement which imposed restraint on the 1990/1991 wage round. It was agreed between NZCTU leaders and government six weeks before the general election in November 1990, without prior consultation with the union movement. To meet the Labour government's priority of curbing inflation, restraint on wage bargaining was traded against an expectation of downward movement in interest and exchange rates. Wage increases were to be limited to 2% plus a possible 1% productivity increase. This pre-election tactic (NZCTU 1990b; Birch 1990) did not save Labour from defeat. National reaped the benefit of the Growth Agreement (Herbert 1990b). However, close contact continued between leaders of the NZCTU and Labour in Opposition in the development of labour relations policy.

In the mid 1980s the Australian CTU had set out on a similar path of 'strategic unionism' leading to an Accord with government in 1983 also modelled on overseas examples (ACTU/TDC 1987; Willis 1985). In proposing the Compact, Labour and the NZCTU also drew on corporatist models of considerable historic success from Austria, Germany and Scandinavia. These European examples influenced not only the Compact but also the NZCTU's proposal to restructure the union movement on industry or sector, rather than occupational lines. However, by the late 1980s

European corporatism had begun to crack, with slashed welfare in Sweden and state sector strikes in Germany in the early 1990s (Ahlen 1988).

In Australia, the Accord and union restructuring by industry drew criticism from sections of the labour movement and from feminists (Ross, O'Lincoln & Willett 1986; Tanner 1989; NZCWA 1989; Windsor 1990; Pringle & Watson 1992:60). Far from maintaining living standards, real wages fell considerably under the Accord without the promised improvements in the social wage (Windsor 1989:140; Ross, O'Lincoln & Willett 1986:9-11). Although centralised wage fixing benefited women, their industrially weak occupations and trades had gained little from staggered 'second tier' efficiency-based bargaining and gender-biased upskilling programmes (Windsor 1990:144; NZCWA 1989:11-13). Advantages ascribed to industry unionism were considered illusory or outweighed by attendant disadvantages, especially to women workers (Tanner 1989:3-4). At a broader level the application of overseas models were criticised for extracting overseas patterns of bargaining and union organisation from their full and historically specific context of state policies and institutional arrangements which structured the labour market and women's position in those countries (Windsor 1990:142; Watson & Pringle 1990; Rubery 1988:253-5).

In 1989, however, NZCTU officials were strongly influenced by the 1987 ACTU/TDU report, borrowing the phrase 'strategic unionism' for their own Compact strategy. This recognised the economic basis of state recognition of unions:

The modern industrial state...had to develop and often manage the infrastructure...A role for unions slots into that type of balanced, sovereign nation state. (NZCTU 1991b:3)

The Compact was a clear strategy to reassert that role and balance the powerful influence on government of the NZ Business Roundtable. It forged a close link between the union movement and supporters of corporatism within the Labour party and government, and as such had support from some women unionists.

*"I think the formation of the CTU was one of the three strategic things the unions have ever done. I think the Compact is one and the Growth agreement is another...a clear assertion of the union movement's right to be a key social player." (Auckland CTU Women's Committee member, PPTA, January 1991)*

As with other labour relations changes, however, questions arise about how the application of such a corporatist strategy would work for women. The case studies present different views on this which reflect both the labour market situation of the occupations represented and the political analysis of the unions' leaders.

An integral strand in the NZCTU's Compact strategy was the restructuring of union organisation on industry, then sector lines (Harvey 1992:66; NZCTU 1988c, 1989a) 'because that is how the economy works' (Easton 1990c; Hill 1991b II). In fact, it appeared to be how unions worked in the countries from which the corporatist models were adopted. However, these countries have greatly varying rates of female unionisation. As discussed earlier (see page 3), there has been growing criticism of union organisational structures in which women are under represented (Milkman 1985; Crain 1991; Cobble 1991a&b; ICFTU 1991).

How would such a change in NZ affect the current organisation of women workers and their position in the labour market? The papers of the Labour/NZCTU Compact Committee and NZCTU publications reflect no analysis of this, nor of New Zealand's own very different arrangements, despite the evidence of research on race, gender and wage bargaining discussed in the last chapter (Brosnan & Harbridge 1989).

The organisational basis of unions representing workers in negotiations was a central issue arising in both the strategies of the union movement and in changes already made in labour relations legislation. A degree of change was being made under the Labour Relations Act towards restructuring bargaining on an industry or - the Business Roundtable preference - enterprise basis, but the response of unions was pragmatic. Since 1987 only one registered document could cover any groups of workers. Hiving off 'second tier' agreements as registered enterprise documents could therefore undermine unions' bargaining position on national awards. Membership groups with 'second tier' arrangements or likely to benefit from separate bargaining were those whose industrial strength or strategic position underpinned the negotiating strength of the occupation as a whole. Some unions continued 'top up' arrangements on an informal 'handshake' basis. Some composite blanket coverage awards for particular industries and composite agreements for large enterprises were negotiated where

there were clear gains for members (Harbridge 1988:155). Although the number of enterprise or industry agreements - that is, documents binding signatories only without the blanket coverage of awards - grew over the 1970s and 1980s, in 1990 92% of the unionised private sector workforce was covered by an award or composite award (Harbridge 1993:35). New Zealand's largest companies, however, were pushing for bargaining structures which were closely aligned with business structures (Boxall 1990:540), rather than with occupational labour markets.

### **The Employment Contracts Act**

By 1987 the National Party had adopted an labour relations policy largely consonant with the views of the Business Roundtable. A commitment to voluntary unionism and a greater variety of bargaining forms was clearly stated in their 1990 Manifesto (Walsh & Ryan 1993:15-16; Roper 1993b:151). The full extent of change - from occupational awards to enterprise contracts as the basic form of bargaining - became evident when the Employment Contracts Bill was introduced in parliament in December 1990.

A link between the labour market and income support policy was recognised by introducing the Employment Contracts Act hand in hand with a Social Security Amendment Act which cut welfare benefits (Conway 1991; Dalziel 1993). A 'youth rate' unemployment benefit was introduced for those under 25 and the Basic Wage Act was amended to no longer cover those under 20. National was less concerned with equity than with economic efficiency through labour market competition and lower wage costs. The government appeared to share the neo-liberal view that the disadvantaged should be allowed to work for wages below award or statutory minimum wage levels so as to price themselves into the labour market (NZBRT 1988b; NZ Treasury 1990:279 c.f. Brook 1989:203).

By the end of the 1980s success by government in controlling inflation was due in part to an overall contraction of economic activity, with ever-growing unemployment. After significant increases between March 1987 and March 1989, the unemployment rate of 7.3% in March 1990 grew to 10.3% by November 1992, excluding those on subsidised work schemes. The annualised rate of 'joblessness', which is less rigidly

defined, was 10.9% in March 1990, rising to 15.1% in March 1992 (Stats NZ 1992:83). Unemployment more than tripled between 1987 and 1991 in Auckland, which had previously been less affected than other parts of the country (Dept Statistics 1991a&b, 1992). Employers and politicians calling for labour market deregulation has attributed unemployment to high wages and rigid systems of bargaining, but by 1989 real wages had dropped to 84% of their 1982 level while unemployment and underemployment continued to grow (Rosenberg 1992:9). From 1990 to 1991 the fulltime workforce shrank 2.3%, and parttime work increased by 0.9% (Harbridge 1991:321). This is the background against which unions began to renegotiate occupational awards under the new Employment Contracts Act.

The central purpose of the Employment Contracts Act, 1991 was to break down the system of national wage awards by making the enterprise, rather than the occupation, the basis of bargaining. Its objectives of decentralisation and decollectivisation (Hince 1993:10) were couched in a language of spurious equality. The Act offers both employer and employee the choice of bargaining either individually or collectively, but this means something quite different for each party. The employee has the right to choose an individual contract or a collective contract with other workmates in that enterprise only. They are free to back their collective bargaining position with industrial action - there is no arbitration option on disputes of interest - but the Act expressly excludes legal strike action relating to any employer other than their own. For the employer, however, the choice of individual or collective bargaining operates at the level of the enterprise. An employer has the right to negotiate with the employees of his enterprise only, or may enter into a multi-employer contract with other employers who choose, but can not be made, to do so. Employees have two options under the Act while - as will be seen from the case studies - in practice employers have three.

An objective of the old IC&A was to encourage collective organisation among workers and collective bargaining. The traditional system can be viewed as one in which the state granted rights to unions and workers gained rights through union membership (Boxall & Haynes 1992). The Employment Contracts Act, like the free market model, focuses on the individual, not collectivities of workers or employers. Awards or

collective contracts which are not renewed disaggregate under the Act into 'assumed' individual contracts. Collective contracts apply only to signatories, and may or may not include new employees. A contract ruled 'harsh and oppressive' may be annulled by the Employment Court, but alternative solutions are not the Court's responsibility.

With no arbitration available for contract negotiations, the Employment Court is no longer a corporatist institution but merely a court of enforcement (Brosnan, Smith & Walsh 1990:32). Its role is to 'adjudicate' on legality and breach of contract, not to arbitrate between parties on issues of fairness. Although mediators are available in a Tribunal of first hearing, mediators and Court adjudicators are state appointees; there is no union or employer representation. It is also named individuals, not the union, who must personally and publicly give notice of strikes or instigate enforcement proceedings, even when a collective contract has been signed.

*"It requires an individual to come in and say I want to take my boss to Court...an individual standing up to their boss in a small workplace, with 250,000 unemployed outside. They will not front up and ask us to do that, nor do they have the resources on their own, earning \$7.50-\$8.00 an hour."*

(SWU Elected Officer, June 1992)

The Act is premised on the Business Roundtable's persistent portrayal of unions, not as collectivities of workers, but as third parties in relationships of trust between employers and employees (Brook 1989:195, 1990a:76). The first section of the Act deals with the issue of choice and freedom of association for the individual employee (NZBRT 1987, 1989; Brook 1989:198). Where blanket coverage by awards once gave union protection beyond the actual membership, now the unions are merely 'bargaining agents', with areas of legal doubt around access of officials to employees and continuity of representation or contract enforcement. A history of centralised negotiations, unrepresentative officials and low membership participation led to some tension between the interests of individual workers and collective interests as constructed by union officials (Offe & Wissenthal 1985), which the employers' lobby has exploited. However, as a Service Workers Union official pointed out, members coming together in a union need a representative who is not vulnerable to dismissal by the employer. It needs to be recognised, however, that financing an independent 'third party' with industrial expertise requires membership fees from more than one worksite for cost effectiveness, so it is also 'the union' that needs members.

In collective contracts negotiated under the Act, employees have been largely continued to be represented by union officials, while a growing number of non-union bargaining agents represent employers (Boxall & Haynes 1992:8-11).

The bureaucratic requirements of the Employment Contracts Act have added to unions' workloads. A bargaining authorisation form is needed from each member and contracts signed by officials as the bargaining agent must be ratified by a majority vote of those covered by the contract. Unions became incorporated societies, with few state controls regarding membership democracy and election of officers than previous labour legislation. This change required revision and re-registration of union Rules; financial systems were needed to calculate tax and GST liability on revenue other than subscriptions (including interest earned by NZNA's education trusts, most of which originated as bequeaths).

*"The idea was, Bill Birch<sup>7</sup> would tie us up on all those bureaucratic things and then we can't do the work we are supposed to do, can't be effective."*

(NZNU Elected Officer, May 1992)

The individual, rather than collective, rights of workers were, however, increased under the Employment Contracts Act by extending access to personal grievance procedures to all employees (Boxall 1991:292; Walsh 1993:188). Legal procedures against discrimination and sexual harassment had been added to unjustified dismissal and undue duress about union membership in the 1987 Act, but these were accessed through unions, and had become one of the attractions of membership. The Employment Contracts Act doubled the number of employees with access to personal grievance procedures through the Court, but this can be interpreted as an attempt to reduce the union 'monopoly' on representation.

In the first year under the Employment Contracts Act the number of personal grievances cases rose by 76% (Roth 1992:391). Six-to-eight month delays in obtaining a Court hearing by late 1992 were, however, due more to the general deterioration of the employment climate under the Act, and to increased formality and legalism (Hughes 1993:92), than to non-union claims. Compensation rather than reinstatement

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<sup>7</sup> National's Minister of Labour, 1990-1993.

became the Court's primary remedy under the Act (Hughes 1993:105-112). In interviews, union officials reported that such long delays meant reinstatement was in any case not a practicable solution. Moreover, unless a personal grievance was taken, dismissal from a job meant a six month stand down from entitlement to the unemployment benefit under the Social Security Amendment Act 1991 (Robbie 1993:viii); if the case was lost, the benefit had to be repaid.

It was only in late 1992 that the Employment Contracts Act could be said to be fully in place. Most unions rolled over their awards for another year just before its enactment, making 1992 the first year for negotiations under the new Act for most workers. However, the awards for some large female dominated groups of workers, such as those in tearooms and restaurants and non-food retail work, had already fragmented into - at best - enterprise bargaining. The prime issue for unions in the 1992 round, and a huge task, was achieving collective contracts for as many members as possible. In line with advice from employers' organisations, employers in both private and public sectors targetted penal rates<sup>8</sup> (Knowles 1992:8) paid for working weekends or other 'unsociable' hours outside normal 'clock hours' established in different awards. By the end of the study period in late 1992, not all workers formerly covered by awards who wanted collective contracts had achieved them and some major public sector contracts were still outstanding (Harbridge & Moulder 1992). Examples are detailed in the chapter ahead.

At the time of enactment it was recognised that the shift from occupational or industry awards to enterprise bargaining, with a focus at the individual rather collective level, would tilt the balance of bargaining power towards employers (Anderson 1991). Not all of the Business Roundtable's agenda had been implemented, however. While their lobby was successful with regard to representation and bargaining, the National government rejected changes to the institutional framework (Walsh & Ryan 1993), which would complete the shift from a corporatist to a contractualist model (MacFie

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<sup>8</sup> In 1936 legislation for an 8 hour day and 40 hour week was aimed at spreading available work among the unemployed by raising the cost of working existing employees beyond those standard hours through penal payments (FOL 1938).



1992). Both the Roundtable and Treasury have lobbied against the specialist jurisdiction of the labour courts, arguing that employment contracts were no different from any other contract between presumed equals and could be enforced through the civil courts (Walsh & Ryan 1993:13,21). Bringing labour relations under the civil law was one item on its 1980s agenda which the Business Roundtable had not yet achieved (NZBRT 1987; Ryan & Walsh 1993). The Business Roundtable and Treasury have also made strong submissions favouring the abolition of personal grievance procedures, in particular the statutory requirement for 'procedural fairness' in dismissals (Hughes 1993:124-126). These lobbies raise issues which are fundamental to traditional labour relations principles and the relationship between labour, capital and the state. They are of concern to the Human Rights Commission which supports the traditional role of the state in balancing the inequality inherent in the 'master-servant' employment contract (Mulgan 1993).

Nevertheless, the bargaining power of employers has been further increased within the existing institutional framework by interpretations of the Act by the Employment Court (Macfie 1992; Hughes 1993). A series of rulings have related to employers' use of lockouts, or 'partial lockouts' of particular conditions, to force employees to accept new inferior contracts. Lockouts have always been 'the mirror image' of strikes in New Zealand labour law (Macfie 1992:325), but were seldom a practical strategy for most employers in the past. Under the traditional award system, they would require a level of organisation and discipline among all employers covered by an award which seldom developed under centralised bargaining (Macfie 1992:321). Nothing was gained by hiring substitute labour, who would also be entitled to award rates and would at once become members of the union in dispute. The enterprise basis of bargaining has changed this, making it a simple matter for employers to exercise fully or partially their inherent power over their own workers - the power not to employ. Unemployed, unorganised replacements were likely to be available.

In 1991 and 1992 National's Minister of Labour gave repeated public assurances that employment contracts could not be changed without the agreement of employees (Roth 1992:126). The Employment Court also made repeated statements to this effect (Kiely & Caisley 1993:54). However, this has been the effect of employers' use of

lockouts, supported by the Court. In judgements to date, the more lockouts have involved a fundamental breach of contract - by cutting wages and conditions - the more likely they are to be ruled lockouts and therefore legal. As Rebecca Macfie comments:

The manner in which employers can lawfully thrust change on employees when negotiations have failed...create(s) an irreconcilable conflict with the ECA's fundamental premise of sanctity of contract. (Macfie 1992:324)

Rulings on the interpretation of labour law have implications for employers and unions beyond those directly involved. Among the unions included in this study, the cleaners unions took precedent setting cases to the Court in relation to sub-contracting and dismissal and a case involving the Nurses Union tested legal ground on trespass and right of union access. Up until late 1992, when this research concluded, it had been other unions which had taken test cases in relation to lockouts, but these rulings affected resistance to employers' demands in the contract negotiations by all unions (Macfie 1992:329).

In the view of Raymond Harbridge and Kevin Hince, the Employment Contracts Act is:

The first real conservative employer driven offensive to decollectivise industrial relations in NZ...(It) has taken NZ an astonishing distance away from its heritage of egalitarianism and from its tradition of protecting the weak in the labour market. (Harbridge & Hince 1992:9-10)

It will be some years before the full effect of the Employment Contracts Act on wages, on unions and on the labour market can be properly assessed. The case studies detailed in Chapters 7, 8 and 9 provide insights into the situation of women workers and their union organisations in relation to policy shifts and legislative changes through the 1980s and early 1990s under both Labour and National governments which have espoused a 'free market' agenda.

## **Conclusion**

In exploring the context of corporatism, occupational awards and labour relations legislation in which female dominated unions operated in the 1970s and 1980s, this chapter has outlined legislative changes relating to equal pay, sexual harassment,

equal employment opportunity and pay equity. Because these and other concerns of working women were not being addressed within the existing framework for award bargaining, feminist unionists took political action to change that framework. These equity issues and feminist strategies in relation to them are detailed in the case studies. The next chapter considers the wider context of strategies by particular unions by exploring the ways feminist unionists organised inside and outside union movement to ensure that 'women's interests' were included in the corporatist bargaining of the 1980s.

### Introduction

From the mid 1970s, women involved in unions began to interweave radical feminist theory and activism with a marxist analysis of class and employment relations. Issues which arose from tensions between women's public and private lives, their personal and political relations, from the gendered nature of women's jobs and labour market disadvantage became a major and contested feature of debate within the union movement. A specifically feminist unionism developed over the late 1970s and 1980s through a series of women-only groups and committees, which were positioned initially outside, then increasingly inside the formal structures of unionism. A fine balance consciously maintained between credibility with unions and autonomy from unions was crucial to the ability of these women to raise feminist issues and change attitudes and agendas.

This chapter looks at how feminist unionists went about raising new issues related specifically to women workers as matters for union policy. It focuses not on activities within unions but on forms of organisation which transcended particular unions and sometimes included women outside the union movement. These organisations provided the means for feminist unionists to gather the support of significant numbers of women behind particular issues. The aim was the adoption of policy on women's issues by the Federation of Labour (FOL). This would make these issues a legitimate focus of union work, and ensure the support of the union movement for campaigns for legislative change.

Over the past two decades there has been a series of issues around which feminist unionists have organised to improve the situation of women union members. Some were first raised in the groups whose organisation is discussed below. Others were identified within particular unions - especially unions organising clerical workers and retail workers which were led by women. They were then taken to these union

women's organisations as the first stage in a political campaign. Referred to loosely by unionists interviewed as 'women's issues', the most important have been:

- Equal pay in the private sector
- The Working Women's Charter
- Parental leave
- Improved availability of high quality childcare
- Sexual harassment at work
- Specific representation for women through standing committees
- Equal employment opportunity programmes
- Pay equity.

These issues and campaigns for legislative change are detailed in the case studies of particular unions which follow. In this chapter, the focus is on the way feminist unionists from a range of unions organised collectively within the trade union movement itself to raise issues relevant to women in paid employment.

*"A lot of the policy that went through the FOL, and subsequently got things like the sexual harassment procedures into legislation, came from women in the union movement. There is little recognition...that the union movement is an effective organising tool for women...We achieved a different set of norms."*

(Clerical Workers Union Official, Aug. 1991)

## **Inside and Outside the Union Movement**

The new ideas of Women's Liberation were slow to impact on the labour movement. One woman active in the Women's Liberation movement commented that in 1975 there was:

*"No visible women's movement in the union movement then, there certainly was outside."*

(Clerical Workers Union Elected Officer, Nov. 1990)

However, challenges were beginning. In 1976 a Public Service Association Research Paper on Women in Trade Unions stated:

Trade unions have long been dominated by men employing male inspired tactics, methods and organisational forms for the solution of what were regarded as male problems. The growth of the female work force and the new needs and demands subsequently created have many implications for trade unions. Many unions have not yet understood and assessed the significance of these implications in terms of their union organisation. (NZPSA 1976:8)

Although the labour relations reforms of 1936 increased the unionisation of women dramatically, membership data by sex was not recorded until very recently. An isolated Labour Department survey in 1969 recorded unionisation rates for women and men (Geare, Herd & Howells 1979:9), an estimate was made for public services unions in 1976 (NZPSA 1976:5) and the NZ Council of Trade Unions surveyed its affiliates in 1991. Limited though this data is, it indicates that since the 1930s union membership among women has consistently paralleled their rate of labour force participation and that, contrary to the situation in most countries (ILO 1988; ICFTU 1991), New Zealand women have been as well unionised as men.

However, they were considerably under-represented in union leadership, and it was this that feminist unionists began to question in the mid 1970s. The clerical unions submitted a survey of nine Auckland unions to a Select Committee on Discrimination against Women, which showed that although 51% of members were women, only 7% of executive members, 5% of organisers and 3 delegates to the Trades Council and the Federation of Labour conference were women (NZPSA 1976:5-6). The PSA estimated its own female membership at around one third, yet only 16% of PSA section committee members and 12% of officers and management committee members were women. It noted that:

Women workers must be won to trade unionism as a way of solving their problems although unions are not immune from the pervasive influence of sex discrimination. But despite their weaknesses...unions currently provide one of the best weapons for women to fight for their right as both women and workers. (NZPSA 1976:10)

Small numbers of women were active in unions, however, and pursuing issues of particular concern to women through unionism was not something new. Through the 1950s and 1960s some unions representing women and women's committees within public sector unions had actively pursued legislative change to achieve equal pay for women and men doing the same job (Moynihan 1986; Corner 1988; Hill 1993b). Efforts were coordinated through the Council for Equal Pay and Opportunity, which worked across unions in public and private sectors and women's community organisations. The last years of the campaign to extend equal pay in the public

service to the private sector drew on the new energy of Women's Liberation feminists (Dann 1985:65-75).

A feature of the Women's Liberation movement was the development of women-only organisations, which allowed women the autonomy to analyse their situation, define their own issues and find new ways of working which encouraged women's participation in a range of activities. Similar autonomous organisation by women on union-related issues was initially opposed by union men as divisive of the working class, although the need to remove barriers to women's union participation was recognised (Andersen 1975; Geare, Herd & Howells 1979). However, such groups provided women with a 'political space' (Milkman 1987:96-7,fn.49) in which they could meet to develop their position on new issues, and an organisational base from which to raise these issues both inside and outside the union movement.

Women-only groups focusing on concerns specifically related to women at work positioned themselves, at different times and in varying degrees, inside and outside the formal structures of the union movement. To discuss feminist ideas and to develop new issues in the New Zealand context, feminist unionists needed autonomy from male dominated union structures. However, to ensure that issues like sexual harassment and pay equity were addressed in union policy required credibility with male unionists and that meant being actively part of the union movement. For feminist unionists, there was always:

*"That feeling of contradiction between criticising the union movement for being anti-women and wanting to stand with the union movement against other criticisms. It has always been a tension and still is."*

(Distribution Workers Union Official, Nov.1990)

In 1975 a group of Wellington socialist women established the Working Women's Alliance. It grew to four branches in Wellington and others in Dunedin, Wairarapa, Eltham, Wanganui, Palmerston North, New Plymouth, and Hamilton. The Alliance was in contact with very similar Women's Unions which blossomed briefly in Auckland and Christchurch, and with a Working Women's Centre in Melbourne (Booth & Rubenstein 1990:124). A Working Women's Convention was organised in 1977, the first national

gathering of its kind since the Working Women's Movement of the 1930s. Until 1978 the Working Women's Alliance published Working Woman, at its height a bimonthly 8-page newspaper covering topics as diverse as wife battering, wages for housewives, office life, solo mothers, economics, tenants' protection, gay liberation, unions, childcare and migrant workers. There was a strong focus on education through articles, study kits and house meetings about the role of women, their place in the economy and how Parliament, local government, unions and 'the system' worked. During the 1976-77 wage freeze the Alliance instigated a highly successful campaign against price rises through housewives' boycotts of specified groceries, including baked beans, tinned spaghetti and that symbol of the Kiwi good life, chocolate biscuits.

In its newspapers, the Working Women's Alliance defined itself as a union of working women including housewives, pursuing equity and social justice through the close cooperation of all women. This statement indicates that the Working Women's Alliance was premised on an important feminist redefinition of work. The contemporary dichotomising of work and leisure, production in the paid workforce and consumerism in the family, was rejected in favour of a recognition that all socially useful activity in which women were engaged was work, whether or not it attracted a wage (Hartsock 1983:303). Papers circulated between branches indicate that socialist women were coming together in the Working Women's Alliance to work through their marxism in the light of new radical feminist ideas. Although one or two papers gave primary weight to class relations and the needs of capitalism, most developed new understandings of the way gender relations as well as class relations shaped the division of labour between men and women in paid work and at home.

Also established in Wellington in 1975 was the Working Women's Council which campaigned for a Working Women's Charter (Dann 1985:75). This was initially proposed at the 1975 United Women's Convention by unionist and Labour MP Sonya Davies. State funding for a Working Women's Council was promised, but the possibility evaporated when the Labour government lost the 1975 election. However, women persisted with the project. The Council was modelled on an Israeli



union-sponsored Working Women's Council. Charters of working women's rights were promoted for adoption by the Australia and Britain trade union movements in the late 1970s (Boston 1980:298-9; Beale 1982:14,100; Walby 1986:212; Ellis 1988:139; Booth & Rubenstein 1990:124-5), but the concept went back to a wide ranging charter adopted in Australia in 1946 following establishment of the United Nations Committee on the Status of Women. The Wellington Working Women's Council developed a charter for New Zealand which was adopted at the 1977 Working Women's Convention. It was promoted through Councils which mushroomed around the country before being formally brought together in a national organisation. Although initiated by union women, the Councils focused on the wide range of issues itemised in the Charter and drew together a variety of different women.

*"That first meeting after the Convention brought together a very mixed group of women - a clash of cultures almost. But out of that came the Working Women's Council."*

(Auckland WWC member, Post Primary Teachers Assn, April 1992)

In 1976 a women's sub-committee of the Wellington Trades & Labour Council had been formed. There was initially some concern by Federation of Labour leaders about a possible conflict of interests with the Working Women's Council. The Council allayed this by pointing out that, although it had germinated as an independent group because of the lack of empathy that many women felt with unions, its campaign worked in two directions. While its specific goal was the adoption of a Charter of women's rights by unions, the wider goal was to raise women's awareness and understanding of unionism and to increase their union involvement.

With both a wider constituency and a more specific campaign focus than the Alliance, the Working Women's Councils grew. Not only did the Councils include women representing a range of women's organisations, they provided a link between private sector union women and women promoting the Charter in public service unions. Cooperation between the Councils and the Alliance is evidenced by the joint production of a leaflet on childcare. As union women put their weight behind the Charter, however, the Working Women's Alliance faded.

The Working Women's Charter (Appendix) listed 16 issues of specific importance to women which the Council wanted adopted into policy by the Federation of Labour, its affiliated unions and the political parties. The Charter was also endorsed by a range of feminist and women's organisations, which added to the pressure for adoption by organisations in which women's voices were marginalised.

The Charter included equal employment opportunity and equal pay for work of equal value, but not sexual harassment at work, which was not articulated as an issue until the early 1980s. What made the Charter controversial was Clause 15 which supported radical feminist demands for safe, legal abortion, as well as contraception and sterilisation. The Working Women's Alliance had initially avoided taking a position on abortion, prioritising childcare. They added their support to the rest of the women's movement in 1977 following a survey in Porirua<sup>1</sup> which showed 85% of women respondents thought abortion should be legal if decided on by a woman and her doctor (Politz 1977).

Outside the union movement, strong opposition to the Charter was led by the Society for the Protection of the Unborn Child (SPUC). One high profile opponent of abortion had some years earlier been centrally involved in the campaign for equal pay as a clerical union official. SPUC's highly organised and well resourced tactics included the politics of confusion: they applied to register an incorporated society using the Working Women's Council's own unregistered name. Within the union movement, strong opposition to the Charter came from small sections of union memberships, usually Catholic, and from particular male unionists, with less marked opposition from others who thought some Charter items were outside legitimate union concerns and likely to alienate members. In order to gain support for the Charter by unions in which men still held most official positions, union women had to demonstrate the support of ordinary women members for this feminist agenda.

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<sup>1</sup> A light industrial area close to Wellington with a very high Pacific Island population.

*"We did it the right way, by going back to the members. I remember a guy in the FOL saying his members didn't agree with it but a women organiser took the Charter out to his members and got 97% acceptance."*

(Federation of Labour Executive member,  
Distribution Workers Union, March 1993)

The Charter was adopted by the Federation of Labour at its 1980 Conference, with a slight dilution of the demands for childcare and reproductive freedom (NZCTU 1992:178). A report by Conference participants to the Working Women's Council described the scene:

For someone who's never been before, this year's FOL Conference was a bit like school assembly - only the room was full of men and smoke and the headmistress had mysteriously turned into Jim Knox...The three years of hard work put in by the women from the Working Women's Council were clearly seen, not just in the result of the Conference but in the lack of union-supported disagreement. Almost without exception the dissenting voices came from individuals who opposed Clause 15. (Farr 1980:1)

Adoption of the Charter at the highest level of the union movement facilitated its adoption by affiliated unions; for example in 1981 by the Post Primary Teachers Association and Public Service Association, where women were well organised, and in 1986 by the female dominated but still male-led Hotel & Hospital Workers Federation. Adoption into policy made it possible for women, often isolated in male-led unions, to insist that their work on women's issues at the political level or the membership level was legitimate union business.

*"One of the arguments was that you couldn't do something unless you had the policy. So the idea was to push things through the FOL Conference so that unions had to have that policy on the books, then women organisers could move...Policy at that level was a reference point, that said we could do these things because a higher body says we have to."*

(Clerical Workers Union Staff Official, Aug. 1991)

## **Inside and Outside the Federation of Labour**

In addition to the Charter, the Working Women's Council called for women's committees in the national and regional structures of the Federation of Labour. They recognised the importance of achieving a space for women actually within the formal structures.

*"One thing we had learned from Working Women's Alliance days was that there was a lot of inherent suspicion in the union movement of people from outside. You had to be within the bureaucracy structure to actually be accepted, and...with the women's subcommittees we got inside the union movement."*

(Wellington WWA and WWC member, Nov. 1990)

*"It was no good just having the Charter, you had to have power within the FOL itself."*

(Auckland WWC member, March 1992)

The women's committees were to ensure that the policy issues in the Charter would be actively pursued by the union movement in both award negotiations and political lobbying. Few unions did in fact take up these issues in award negotiations with employers. This was in part because, until 1987, legislation and arbitration precedent limited the range of 'industrial matters' for negotiation (Harvey 1992:60), making it easy for employers to refuse proposed award clauses on sexual harassment procedures or pay equity. This was the experience of the Clerical Workers Unions, first with employers, then with the Court, in trying to pursue equal pay for work of equal value within the framework of the Equal Pay Act, 1972 and the Industrial Relations Act, 1973. It was also because acceptance of policy does not necessarily mean action on policy.

*"The effort around getting the Charter understood and taken up was a tremendous tool for getting women together and discussing what we needed as working women...(but) once you have got it into policy, it is relatively useless as a means of organising...Nobody pays much attention to policy, it just sits there and you have to move on."*

(NZCTU Official, May 1992)

Following amendment of the Federation of Labour constitution, a national Women's Advisory Committee set up regional women's sub-committees. These gathered union women together and began the slow building of organisation and structure which could succeed in pursuing policy more successfully than the efforts of individuals.

*"Because it was a very powerfully tight organisation, the trade union movement...I don't think we realised until we were actually involved, I thought if you just said to officials think more about the award claims that women need, make sure they feel comfortable being involved, but it was more than that, it was actually union structure that had to change to allow that to happen."*

(Clerical Workers Union Official, Nov. 1990)

Despite the policy decision, the Women's Advisory Committee had to overcome lingering opposition before it could work effectively and in 1981 circulated a paper to counter accusations of divisiveness:

The Women's Advisory Committee is not a separate women's division, but an advisory committee which recognises that women unionists have special problems because of their position in society....The Women's Advisory Committee does not aim to separate women from men - it aims to do the opposite: to encourage the involvement of women in their trade unions and to encourage unions to take positive steps to help women...While working women remain oppressed and isolated from the bulk of the trade union movement the movement will never be strong. (FOL WAC 1981)

The Committee had no vote on the Federation of Labour national executive; its role was advisory - but subjects appropriate for its advice were contested.

*"That's been one of the biggest battles, this perception that you can't make a comment about the economy, it is only if it is about babies."*

(FOL Women's Advisory Committee member,  
Distribution Workers Union, May 1992)

At the regional level, the women's subcommittees, like the Councils and the Working Women's Alliance, provided a space for women to come together, but one which was now formally within and recognised by the union movement. They had representation - but no vote - on the very active District Trades & Labour Councils at a time when these still had very few women members representing unions. However, the committees at both national and regional levels allowed women greater involvement in the decision making of the union movement, not just as individual officials but in a way which allowed them to work collectively as women.

*"The women's sub-committee was mostly women who worked for unions...union officials who needed a forum to meet because in their own union the male structures were so powerful, they had no support. So they met to strategise to do things for women."*

(Clerical Workers Union Official, Nov. 1990)

In the late 1970s and early 1980s unions had begun to respond to the unpopularity of compulsory unionism and political party positioning on the issue by hiring more organisers to service union memberships. Women began to be hired. This was a time when women generally were being more assertive and politically active and the

number of women on union executives was increasing. Taking on the job of organiser, sometimes sole woman organiser in a union, was not always easy.

*"In retrospect, you got highly manipulated by the men. 'We have been doing it forever, come on, little one, we will show you how' - if they are being nice to you. If they are not being nice to you, they are saying disgusting things behind your back and a fair bit of that went on."*

(Clerical Workers Union Official, July 1992)

Activism on women's issues could make an organiser's position difficult.

*"A lot of the men in decision making positions now used to be union activists, so for men it is seen as a way up through the system. But for a woman, you are just seen as a stirrer and definitely not to be promoted."*

(Clerical Workers Union Official, Aug. 1991)

When union women got together, they used less formal meeting processes. When they shared personal experiences, new issues were raised, such as sexual harassment at work and workplace pornography. The adverse reaction of many male unionists to these issues was in part a response to the way these topics deviated from a strict class-based analysis and classic methods of organising.

*"Then 'equal' meant 'the same', and the same meant being the same as them, so our needs were the same too. It had a lot to do with anti-separatism."*

(Auckland Women's Subcommittee,  
Clerical Workers Union, July 1992)

Initially the women's sub-committees had a strong focus on union education, aiming to increase women's participation as members and prepare them for union leadership by improving their knowledge of union structures and their skills in meeting procedure and public speaking.

*"I had been involved in no other organisation that had such rules, such structures, such gobbledegook language."*

(Clerical Workers Union Official, Nov. 1990)

They needed the understanding and skills to participate in what was going on, to know how to move a motion, how to stand up at a Federation of Labour conference of 300-400 male delegates and handle hecklers who shouted 'Point of Order' and waved rule books.

*"In the end it was, do we in fact want to have meetings like that, or is it a load of bullshit? But at the beginning it was saying we have got to work these*

*structures to change the structures, and that is how a lot of those changes happened in the FOL conferences, because women started to learn."*

(Wellington Women's Subcommittee member,  
Clerical Workers Union, Nov. 1990)

To break with the image of staunch masculinity that surrounds unionism (Foulkes 1993a), the women's committees arranged social events and film evenings to attract women union members. The Wellington sub-committee started a women's choir and held a 'Compulsory Cabaret' when voluntary unionism was introduced in 1984. Issues of interest to women were raised with the full range of local women's groups, sometimes through meetings organised by an ad hoc group, such as Women for Peace.

*"We got ourselves into trouble because there were a lot of unionists who believed we were stepping over the line of union issues."*

(Wellington Women's Sub-Committee member,  
Distribution Workers Union, May 1992)

In line with radical feminist critiques of process, meetings were informal and open not just to specified delegates, but to all interested union women. Agenda items were proposed by the meeting participants themselves.

*"Someone gave a report to the Trades Council and we would have to nominate someone as convenor, so we would do that to keep them happy, then just run it along our own lines out of a box."*

(Wellington Women's Sub-Committee member,  
Distribution Workers Union, Nov. 1990)

Through the sub-committees, women organised seminars to educate themselves about issues being raised overseas like sexual harassment and pay equity. They began to develop strategies appropriate to the New Zealand situation and to plan campaigns. Through bringing together women from different unions, the sub-committees build up networks of women and supportive male unionists through which a variety of women's interests could be pursued.

*"The story of the early 1980s was of a group of women who were not very powerful in their own unions but were more and more becoming officials...We all had the same radical politics and a very strong sense of solidarity among us...though quite a few of us were involved in marxist organisations with men."*

(Wellington Women's Subcommittee member,  
Distribution Workers Union, Nov. 1990)

*"The women always worked well as a team, that is why we had it all over the men. We got on well and we trusted each other with our backs, if you know what I mean."*  
(Auckland Women's Subcommittee member,  
Clerical Workers Union, July 1992)

As the sub-committees were formal components of the Federation of Labour structure, however, tensions began to arise as to who was participating in the women's committees and the issues they espoused. One strong attempt to limit the activities of the Wellington women's subcommittee arose in the wake of an controversial incident in Auckland when feminists tied a well-known left-wing playwright and lecturer to a tree for alleged rape and sexual harassment of students (Thompson 1984; Women Against Violence 1984; Atmore 1992). The incident caused a deep split of opinion in the union movement, largely along gender lines. One of Mervyn Thompson's plays was scheduled to open in Wellington, and local women actors approached the women's sub-committee and their own NZ Distribution & General Workers Union to support a protest. Since sexual harassment was an issue on which policy was established, the women's sub-committee put its name to a press release calling for a boycott of the play. The District Council, its members split on the issue, thought the women's sub-committee should not have taken an unauthorised public position. Women on the sub-committee continued their involvement in the boycott but did so as part of a group called Women against Violence.

*"It was a real meeting point between radical feminist politics and traditional union bureaucracy...Huge discussions, all sorts of implications...also to do with the right of the women's committees to determine their own policies."*  
(Wellington Women's Subcommittee member,  
Distribution Workers Union, Nov. 1990)

There were variations between regional sub-committees in their persistence over time and in positions and tactics on issues, even between the most active Auckland and Wellington committees. This was linked to the response on women's issues of each District Council. This in turn related to the particular regional configuration of small political party allegiance within union leadership at regional and national level.

The Wellington women's sub-committee was strongly political in its ways of organising. The women had a sharp analysis of union movement processes and structures at both



national and district levels, since the Federation of Labour was based in Wellington. Their small party links were mainly with the Worker's Communist League, which at that time had a presence on the Wellington Trades & Labour Council. There were few women in the Wellington SUP, whose analysis remained strongly class based. The women's committee's tight solidarity and radical opposition led to them being tagged 'the women's mafia', but their position on issues reflected the socialist feminist analysis developed in Working Women's Alliance days.

*"Because we were a tightly knit, radical group of women, we tended to attract other women and became a focus for a much wider group of radical feminist women in Wellington...There was quite a unity between people who came from middle class backgrounds or who were working class, or who had more radical feminist politics than socialist. We were prepared to make compromises, we were prepared to work with men, because we believed in the cause of workers as well as of women."* (Wellington Women's Sub-committee member, Distribution Workers Union, Nov. 1990)

Extreme reactions from some male unionists may be considered a personalised response to the radical feminist challenge to traditional gender relations in the whole society. Women remember abusive labelling which aimed to isolate and marginalise the women's committee and its views.

*"Men in the FOL used to call women 'slit arses', it was really disgusting the language used...They used to talk about us as the 'hairy legged lesbians'. Really funny, I think there were only about two then...They are just rabid, mad lesbians who don't know what they are talking about. That was an effective tool for lots of male dominated unions."* (Clerical Workers Union Official, Aug. 1991)

In Auckland, a few key women in the sub-committee were also on the Trades and Labour Council and in the SUP whose members dominate the Council. This contributed to a better reception for the issues they raised, but there was also a tendency for the Auckland women's sub-committee to avoid confrontation with the Council, seeking resources and tacit approval.

*"We were always more proper than the women in Wellington (who were) more likely to say, the hell with the rules. We were more acquiescent."* Auckland Women's Sub-committee member, Clerical Workers Union, July 1992)

*"I was a bit of a pragmatist and I didn't have a highly developed gender analysis then. There were some fundamental differences between Wellington and Auckland women then, though we would probably all laugh about it now."*

(Auckland Women's Sub-committee member,  
Engineers Union, July 1992)

The influence in the union movement of small avant garde socialist parties was strong in the mid-1980s. By 1990 when this research was done, the Workers Communist League and MILO had dissolved and so too had most of the SUP, with just a small presence in Wellington. Allegiance or non-allegiance to the Labour Party remained as the central party political issue. Through the 1980s, however, 'united front' tactics by small parties aimed at discretely directing mass movements contributed to suspicion about motives. This added to a protectiveness about unionism among officials, in reaction to anti-union attitudes frequently encountered, particular in the media. The accusation that feminist union women had 'their own agenda' was common:

*"Paranoia rules, they get nervous if you start raising anything which isn't part of the line of the union. Like, why are they doing this, they are trying to take the union over. It was always a question of what your motive was, as opposed to you just have a commitment to try and change things for women, who are nearly half the workforce."*

(Wellington Women's Sub-committee,  
Distribution Workers Union, Nov. 1990)

While Wellington women focused on policy and political strategising, Auckland women organised and serviced women at their job sites and adhered more closely to a class analysis. They were less close to radical feminist women, such as those involved with Broadsheet, although connections with Maori and Pacific Islands groups and organisations like Corso and the Workers Education Association provided exposure to other radical politics. The 'separatist' issue of race was often no easier than that of gender.

*"When I suggested we look at ethnicity and gender, the reaction was that, first of all I was on a personal crusade - and I was! - and second, that was the time of the Pacific Islands 'overstayers'. So I was on the inside, but I was also a danger because of all my relations who would come and take their jobs."*

(Auckland Women's Sub-committee member,  
Engineers Union, July 1992)

Auckland feminist unionists did use the policy leverage the women's sub-committee gave them within the Federation of Labour. In 1984 they also established the Working

Women's Resource Centre as a more autonomous feminist organisational base. This provided a means of working across unions with greater independence from formal union structures.

*"The Trade Union Centre in the early 1980s was a male bastion, it was really difficult...The Resource Centre was really the focal point for women's activities and gradually as the CTU women's committee got going, we had two structures in Auckland."*

(WWRC management committee member,  
Post Primary Teachers Assn, April 1992)

The Working Women's Resource Centre and its paid organiser were funded by donations from unions, membership subscriptions, fund-raising and project grants. Its management committee was initially drawn from the women's sub-committee, the Working Women's Council and its own membership (later half from the regional CTU women's committee and half from an open membership). This meant it could include women from state sector unions and from non-union groups. Its establishment was supported by the Trades & Labour Council through the provision of very cheap office space. This was shared with the Early Childhood Workers Union, first registered in 1982, which Auckland sub-committee women were centrally involved in establishing.

The Working Women's Resource Centre continues to provide an important base and service for Auckland women. Its focus has varied over time, but its work has included seminars, resources, advice and support to women workers; 'upskilling' male organisers and encouraging executives to take up women's issues; political work on parental leave, sexual harassment, pay equity and other issues, and, more recently, providing consultation and mediation on sexual harassment to employers. The variety of work meant it became a valuable training ground for a series of paid workers who went on to jobs as union organisers or educators.

The Centre's relationship with male unionists has been managed carefully to ensure continuing support, both personal and financial. Making men welcome at social events (which may discourage attendance by some local feminists) was jokingly described as a fundraising strategy since men spent more at the bar. The strategy has been to reduce tensions by limiting women-only organising to seminars and

campaign meetings where it provided essential political space, rather than cultural space, for women.

It was through the women's subcommittees of the Federation of Labour and the Working Women's Resource Centre in 1986 that specific representation for women and Maori on the executive of the NZ Council of Trade Unions became an important issue for the union movement. The women's committees encountered initial difficulty getting Federation of Labour policy on sexual harassment at work and getting the weight of the union movement behind the new campaign for employment equity. As 'advisory' committees, they were required to report to, but could not vote on, regional and national Councils. Since these bodies remained male dominated, without the right to vote 'advice' from the women's committees was easily marginalised. When the private sector Federation of Labour and the Combined State Unions began to plan the joint NZ Council of Trade Unions (NZCTU), both women and Maori unionists demanded that it provide for local, regional and national standing committees with representation and a vote on the council at each level.

In 1986 a Maori Workers Hui in Rotorua laid down a challenge to the union movement to give greater attention to Maori members and to make unionism relevant to Maori. Maori unionists joined feminist unionists in a push for specific representation in the new NZCTU. Maori women officials of the Clerical Workers Unions provided an important link between the activism of feminist unionists and of Maori unionists on this issue.

The argument against standing committee delegates voting on regional or national councils drew on ideas about democratic procedures - these delegates were not elected by the whole membership of any union. There was so little acceptance that these women had a mandate from women union members to represent women's interests, on both gender specific and general issues, that it was suggested 'as a solution' that both men and women delegates to national NZCTU Conferences could 'democratically' elect women onto the national women's standing committee.

At the 1986 Federation of Labour Conference a remit was passed by a very narrow margin providing for two standing committees, each with voting delegates on the national NZCTU executive. The story of this is told in the case study of the clerical workers unions. The vote gained was a hand vote on the NZCTU executive; if a membership card vote was demanded, then a standing committee's vote became just one among thousands. Nevertheless, it meant a considerable gain in influence on the policies and strategies of the union movement.

In the elections for the three officers of the new NZCTU, support among private sector unions for two women candidates for vice president reflected positions on this earlier issue. One candidate had long been a central figure in campaigns on women's issues within the Federation of Labour, including specific representation in the new structure. She had strong support from women in private sector unions but was not seen as a desirable candidate by some male leaders. The other candidate, from a non-affiliated union, also had good feminist credentials, but was little known among women unionists in the private sector. She stood for election as part of a package of candidates comprising one from the private sector, one from the public sector, one non-affiliated, with one of the three a woman - and was elected to the office of vice-president.

Once the NZCTU was formed, skirmishing shifted from the vote itself to who was represented by that vote.

*"It was always, who are you accountable to? You are accountable to your union and does your union know you are saying this?...The constitution was quite clear that they were accountable to the women members and not to the union itself. That is still a problem."* (NZCTU Women's Committee member, Distribution Workers Union, May 1992)

### **Inside and Outside the NZ Council of Trade Unions**

Standing committees with voting rights on national and regional executives meant feminist and Maori unionists had achieved their goal for the specific representation of women and Maori union members within the NZCTU structure. The question for the

next few years was how far this would contribute to the inclusion of the specific concerns of those groups in overall union strategising. The new NZCTU was, however, a very different organisation from the old Federation of Labour.

While the new NZCTU was being set up in 1987, it was the campaign for employment equity which focused the activism of feminist unionists. Female dominated unions with a strong interest in pay equity and equal employment opportunity worked both directly with other unionists, and with a wide range of other women's groups coordinated through the Campaign for Equal Value Equal Pay (CEVEP) (Woodley 1993; Hill 1993b). CEVEP drew together the political power of women inside and outside the union movement in an autonomous organisation established outside union structures. When I began research on unions in 1989, the campaign was at its height with draft legislation before Parliament. In 1990 NZCTU women officials worked on the final stages of lobbying on the Bill and unions lodging pay equity claims under the Act met in a NZCTU working group. A somewhat similar pattern is described in the case study of nurses unions, with the wide coalition-based work of CHEC giving way to NZCTU coordinated efficiency studies.

As with the women's committees that preceded them, there was variation in the way the different regional CTU women's committees were functioning by 1990. The Christchurch CTU women's committee served largely as an information exchange, organising some social events. It tended to have a turnover of members gaining expertise and contacts, rather than a steady membership using it as a campaign base. In Auckland the CTU women's committee was an active base for feminist unionists, with some women union leaders preferring to attend that rather than the regional CTU itself. In most other regions, women's committees were less active or had petered out. In Invercargill, since women from female dominated unions were most active on the regional CTU, some meetings became women's committee meetings with just a change of agenda. There was a similar overlap of regular attenders at women's committee and regional CTU committee meetings in Dunedin. Dunedin had a tradition of Federation of Labour forums open to all comers and all subjects, which continued under the regional CTU, despite agendas sent from Wellington.

By late 1990 the Wellington CTU women's committee was not operating at all. Reasons given for this were various. After ten years of activism some of the women who had been most active in the Federation of Labour were exhausted; some were no longer employed in unions. Others, however, were now union secretaries, with high workloads, responsibility and political involvement in the mainstream structure of the NZCTU. Women officials worked together on employment equity, either directly or in the NZCTU working group, and were involved in the independent, broader campaign organisation, CEVEP. Since NZCTU officers and the offices of many national unions are based in Wellington, national union politics tended to displace involvement at the regional level. However, this had not occurred under the Federation of Labour. Some interviewees suggested that disagreement with NZCTU methods and strategies were affecting women's willingness to put effort into the structures that they had done so much to gain, and that there was disillusion with the institutionalisation of the women's structure itself.

*"Just part of the NZCTU's arm, that's what the women's structure has become."*  
(NZCTU Women's Committee member,  
Distribution Workers Union, May 1992)

The point that some women formerly active on Federation of Labour women's committees were now union secretaries was undoubtedly important. The standing committees had been achieved over a period when women were being elected to higher positions in unions. In the view of NZCTU women officers, the essential training ground for women and organising base for women's issues which the regional women's committees had provided was no longer as necessary. This was indicated by the rise in women's participation from 10% at the 1981 Federation of Labour Conference which passed the Charter to 35% at the 1991 NZCTU Conference (Foulkes 1993a:1). NZCTU women officials felt that, as the original goals of the sub-committees were achieved, women union leaders saw regional women's committees as just another part of the load. In the view of NZCTU women officials the marginalisation of women union officials was no longer a central issue.

*"I think it was true 10 years ago and five years ago, but it is not my experience of what is happening today. I look around the national executive of the NZCTU and it is usually a third women, sometimes more."*

(NZCTU Official, May 1992)

This included the standing committee representatives, however, and was still well below the proportion of women union members, around half the total members of NZCTU affiliates (Sarr 1992, 1993). In the view of the feminist unionists who had pushed for full voting rights, the purpose of standing committees was not to provide a training ground for women leaders. It was to ensure that the concerns of women and of Maori and their specific perspectives on all issues were given a place in strategising and decision making by the union movement.

The tensions which NZCTU women officials pointed to the 1990s, emerging in both the women's committees and the NZCTU itself, were those inherent in an organisation which now spans public and private sector, working class and middle class occupations. Although much less sanguine about gender equality in the union movement, feminist unionists who had campaigned for the women's committees shared this view.

*"When we got the structure we expected some power with it, and what's happened is that along the way the radical feminist content of the people who are seeking power has got diluted with other women who have got other political ambitions, aims and see things differently."*

(Distribution Workers Union Official, Nov. 1990)

Although women were being formally represented at higher levels of the union movement, the 'women's interests' to be pursued at that level now had to be constructed across a wider range of different labour market positions. The presence of women from large state sector unions meant major differences between the NZCTU women's committees and women's committees in the old Federation of Labour, in both issues prioritised and ways of working. For women representing, for example, shop assistants and kitchen hands, the confident but bureaucratic style of women from public sector unions highlighted differences of class rather than solidarity on gender issues. Their concerns seemed based on an experience of work as permanent and well paid, with little direct understanding of the vulnerability, casualisation and shrinking work hours of low paid women. In early 1991 with the Employment Contracts Bill before Parliament:



*"Some of the education people were talking about things that might possibly happen in the future and wouldn't it be dreadful if - my god, these things are already happening to women now and these people don't even know."*

(NZCTU Women's Committee member,  
Service Workers Federation, May 1992)

The differing impact of labour market deregulation on women in public sector unions and private sector unions has continued to give rise to serious differences of perspective and priority among members of the NZCTU Women's Committee. However, accounts of the initial disruption to the familiar clique formed by feminist unionists in private sector unionism exhibit a degree of class prejudice, of which the public sector union women were quite aware.

*"I remember that first conference meeting...We had the mentality that we were sitting there in dirty overalls and they had just come out of the hairdressing salon, just took one look...I think more of our lot were in the passage smoking than actually in there listening."*

(Otago CTU Women's Committee, April 1991)

Although such initial reactions were overcome, a change in style and focus was evident at the second biennial NZCTU National Women's Conference in March 1991. Participants were union office holders and organisers, with a very few delegates. Anticipating the financial impact of the Employment Contracts Act, some unions had limited participants from outside Wellington. Keynote speakers, mainly from the public sector, addressed the history of working women in New Zealand, the successes of the past decade, and the impending Bill. Workshops on particular issues gave some space to those likely to be most affected. As was later pointed out at a national women's committee meeting, what was missing from the Conference was the past critique, or any serious assessment, of women's progress in structures and policy making in the union movement itself.

The Combined State Unions (CSU) had been a much looser organisation than the Federation of Labour, originating as a Coordinating Committee, and had not been a site for gender politics. Women's issues tended to be organised across the state unions through ad hoc committees or organisations formally outside union structures, such as the early Council for Equal Pay & Opportunity formed by the National Council

of Women and the Public Service Association (PSA), or to be organised within individual large unions. The PSA had a history of women's committees campaigning for equal treatment; the Post Primary Teachers Association (PPTA) was strongly feminist; the NZ Nurses Association (NZNA) was a traditionally women-led organisation; other state unions were establishing women's committees. Until the early 1980s there was no regional organisation across state unions, and no women's committee or specific representation for women before the NZCTU was established. Cooperation and liaison between public sector unions was ad hoc and depended on personal relationships. However, women in public sector unions worked on sexual harassment, parental leave, pay equity and equal employment opportunity and other issues being taken up by women's sub-committees in the Federation of Labour. In the planning of the NZCTU, women from the PPTA, PSA and NZ Nurses Association worked through the CSU to help achieve the standing committees for women and Maori workers in the new structure.

This background of separate organising on women's issues and more formal work methods in many public service occupations meant that, to union women from the private sector, women from the state sector seemed more tied to the rules of their own union and very slow to act on issues.

*"A lot of loyalty to their own union even though it was male dominated (whereas) our primary loyalty would be with women across boundaries rather than to our own union organisation if we were in a male dominated one."*

(Wellington Women's Sub-Committee member,  
Distribution Workers Union, Nov. 1990)

*"It was like you had to talk about it for two years before you actually started campaigning...With us...you did it first and asked questions later, unofficially that was sort of how we operated."*

(Clerical Workers Union Official, Nov. 1990)

These comments suggest considerable autonomy and activism was possible in the cross-union women's committees of the Federation of Labour. They also suggest that different ways of working developed in private and public unions under separate labour relations systems. The private sector union movement was built around organising primarily working class occupations and drew - from ideology more frequently than

from fact - on images of struggle. The public sector unions, on the other hand, covered women's professions in health and education and, until the State Sector Act 1988, represented all except the highest ranking state employees. They drew on ideologies of service and professionalism. Despite the changed labour relations environment, public sector unionists' ways of working reflect occupational backgrounds and slower negotiating skills developed under bureaucratic forms of control (Walsh 1991).

But the activities of women in private sector unions, too, were being bureaucratised as a result of the very success of their strategies during the 1970s and 1980s to raise women's participation in the formal policy making structures of the union movement. This process had tended to institutionalise women's activism while issues relevant to women's areas of employment like pay equity, questioning 'flexibility' or the relevance of productivity measures continued to be side-lined rather than mainstreamed.

*"The problem now is that we are inside the structure and even more heavily part of the whole politics of the union movement...There is a real contradiction in being inside the NZCTU and being influenced and to some extent dominated by the line and wanting to do something independent."*

(Distribution Workers Union Official, Nov. 1990)

While concerns relating to women's employment are on the official NZCTU agenda, they continue often to be added as a late item. The initial draft of the 1991 Charter of Workers and Union Rights (NZCTU 1991a) mentioned neither the Working Women's Charter it was modelled on nor the Treaty of Waitangi. In early 1992 a NZCTU draft policy paper on labour relations did not mention pay equity until the NZCTU women's committee pointed out the omission. In affiliated unions, some organisers report increasing difficulty ensuring support for the specific concerns of women, Maori or Pacific Islands members. In response to financial constraints which followed the implementation of the Employment Contracts Act, many union leaders prioritised 'basic' organising while considering the concerns of women, Maori and Pacific Islands workers as 'extra costs' - that is, a luxury, rather than a necessity in the context of voluntary unionism.

*"You all just pay lipservice to the arguments we put up seven years ago about the reasons for women's committees and women's participation as of*

*right...Unless you have an pro-women image that is projecting to our members who are predominantly women, and we try to get more participation, they will just go back to thinking, oh they are just an old boys' network."*

(Distribution Workers Union Official, May 1992)

The progress of Maori committees within the NZCTU has been more patchy and sporadic than the women's committees. Specific organisation of Pacific Islands workers has been limited to a few affiliated unions with high Pacific Islands membership who have convened committees and fono. The NZCTU Maori Runanga sees its role as to offer policy directions to the movement and to encourage the formation of runanga in affiliate unions. By mid 1992 these had formed in the Service Workers Union, the Public Service Association, the Post Primary Teachers Association and Northern Distribution Workers Union, with only the last committing funds on a regular rather than ad hoc basis. Following its 1991 Conference, the Timber Workers - a male dominated union with a large Maori membership - employed a Maori official to establish a runanga. In mid 1992, as the effects of the Employment Contracts Act became clear, he was made redundant as part of cutbacks, restructuring and amalgamation into the Woodworkers Union of Aotearoa. An example of rapid recent progress, however, was the well-funded NZ Education Institute which established Maori structures following its 1991 Conference; officers with specific responsibility for Maori were employed and there was a strong Maori presence on the executive. With most unions, however:

*"The problem is always priorities and resources. It is always commitment to Maori things that are not prioritised and do not get the resources."*

(NZCTU Maori Runanga member, June 1992)

The Runanga also experienced bureaucratic constraints as public service and private sector unions came together in the NZCTU. The PSA, for example, endorsed and funded only one delegate to local or national Runanga, though more unionists attend 'just as themselves'. The Runanga operated under a Maori kawa of meetings and hui open to all Maori.

*"We ignore (bureaucratic constraints). Local committees embrace everyone, totally open. That includes Unemployed Workers Union members or any Maori who wants to bring something to the runanga."*

(NZCTU Runanga member, June 1992)

However, travel expenses for Maori kaumatua attending the 1991 hui were disputed by NZCTU officials, who saw them as non-union members rather than as the elders whose presence is indispensable at any hui.

As at the 1986 hui and the first NZCTU hui in 1989, Maori unionists at the 1991 hui challenged the movement to demonstrate its commitment to the Treaty of Waitangi and to Maori workers. Frustration led to the formation of a separate Maori union, Te Ropu Kaimahi Maori. This was not seen by hui participants as a split, but was supported as a strategy by some, while others choose to continue working within the NZCTU and its affiliated unions to raise issues of importance to Maori members.

*"The people on the Runanga just obdurately go on pressing their point, which is what their job is, they represent the opinion that they are supposed to represent. They don't embrace NZCTU policy. It just sends the NZCTU totally spare."*  
(ex-NZCTU Official, May 1992)

Although a separate Maori union was first suggested in 1986, the independent formation of Te Ropu Kaimahi Maori was facilitated by the Employment Contracts Act which made union representation 'contestable'. It was established in recognition of the position of Maori in the labour market and the likely consequences of the new Act. If enterprise based bargaining led trade unions to focus on 'core memberships' on larger, organisable worksites, as suggested by NZCTU leaders, a large proportion of the Maori workforce was likely to lose representation. But Te Ropu's take was not just to be a bargaining agent, but to see the Treaty of Waitangi was honoured, to assert tino rangatiratanga and to free Maori from oppression (Jackson 1992).

*"We won't confine ourselves to issues of the workplace, though we will cover those as well and do it better. We are equally concerned to be involved with our people in the struggle for liberation outside the workplace."*

(Te Ropu Kaimahi Maori Official, Aug. 1991)

Te Ropu's membership rule reflects this aim and the traditional kawa of Maori gatherings. It is open to all occupations, to all Maori including kaumatua, to non-Maori who support its aims, and to all workers whether or not currently employed. The high level of unemployment among Maori means that disputes and grievances on which help and representation is needed are as likely to be with the Department of Social Welfare as with employers. A membership which includes workers while they are

unemployed also overcomes a contradiction of unionism becoming increasingly important under the Employment Contracts Act. At a time when wage rates in the labour market are most vulnerable to pressure, collective organisation and union revenue are being eroded by membership losses - and the members being lost are those likely to undercut the wage rates of others in their efforts to secure work.

Unemployment and membership losses were already affecting both the finances and the strategies of private sector unions by the mid 1980s. When the Federation of Labour and CSU amalgamated into the NZCTU, the rather chaotic work practices of FOL officials were radically changed to a very formal style of management and processes for accountability that, in the view of some, took on a life of their own, both in the NZCTU's own office and in its coordinating of the union movement.

*"You can meet at this level and at that level and pass resolutions up and down and around the system but you never break out...the workers become completely irrelevant...Because there was little structure in the FOL, serving the structure's own interests was never a factor."*

(ex-NZCTU Official, May 1992)

It was this bureaucratic tightening of a labour movement (and a union women's movement) which would ensure a corporatist institution which could haggle for gains at the macro level of national politics and be sure of delivering as promised (Oliver 1989:41) under the Compact and its first practical implementation, the Growth Agreement. When the Labour government was defeated in the 1990 election, the importance of organisational control gave way to organisational survival as membership losses cut into the revenue base of unions and NZCTU alike.

Unemployment had already reduced NZCTU's income since its establishment in 1987. By 1990 some unions were complaining about high capitation fees to support NZCTU strategies which were less than popular with their members: some threats to disaffiliate did later eventuate. Anticipating further membership losses following the Employment Contracts Act the organisation of the NZCTU was restructured in March 1991. Costs were trimmed by reducing the number of regional Councils, closing all regional offices and laying off regional coordinators. This decision about how limited resources were best deployed was made by the leadership without consultation of regions, and some

unionists saw it as consolidating hierarchical power in Wellington. Representation on regional and national executives of the NZCTU and on national standing committees was also limited and changed. Unions with the largest membership - or for the national women's committee, the largest female membership - had a seat by right, with other places filled to represent smaller unions. This selection by size did not, however, necessarily reflect unions' degree of interest or active involvement.

*"One of the reasons the regional structure was disbanded was because it was too hard to control from the centre. You got these good energetic people going around organising campaigns and things that NZCTU officials didn't feel they had proper control over."*  
(ex-NZCTU Official, May 1992)

The term 'affiliate driven' became a feature of NZCTU language in relation to this reorganisation. This did not, however, mean a union movement with policies and strategies derived from the grassroots. The Compact and Growth Agreement, whatever their merits, were strategies proposed by national NZCTU officials and the Labour Party, not the members or delegates of unions. Rather it was a return to earlier concern by union leadership to confine activism within the union movement to 'legitimate' issues and strategies. Delegates to national women's and Maori standing committees were to present the official position of their own union, as decided by executives which might be male dominated or entirely Pakeha. Delegates to the NZCTU women's committee were no longer to put forward the position on women's issues of their regional women's committee, their union women's committee or their own knowledge of women's experiences in the occupations they represent.

*"If you bring up something that doesn't toe the company line it is as though you have farted. Everything seems to be regimented and planned. They say, can't talk about that, it's not on the agenda - it's that sort of mentality. The decisions are made before you get there."*

(Otago CTU Women's Committee member, April 1991)

By early 1992 the Employment Contracts Act had impacted heavily on the unionisation and bargaining power of women in low paid clerical work, tearooms and restaurants and small shops, but this was not the focus of attention in the NZCTU national women's committee.

*"It is important for us to be there even though at times it seems our voice isn't heard...Workplace training and skills, very interesting but...I get quite angry that*

*I am spending whole days up in Wellington wading through stuff that has absolutely no relevance to what's going on."*

(NZCTU Women's Committee member,  
Service Workers Union, May 1992)

Nor were regional CTU women's committees now an effective base for campaigning on women's issues.

*"Well, you can't really because you have to take everything back to your union."*

(Auckland CTU Women's Committee member,  
Distribution Workers Union, May 1992)

'Affiliate driven' procedures limit the ability of standing committees to raise new issues of importance to women, Maori or Pacific Islands workers unless they are already fully espoused by unions in which these members may be a minority or otherwise marginalised. Whereas formerly:

*"If you were having difficulty getting your union to take up a particular issue, you could still get together with people, strategise and get that issue on the table at a Conference. Then that allows you to go back to your affiliate and say, this is coming up, we need to have a policy."*

(NZCTU Women's Committee member,  
Distribution Workers Union, May 1992)

Remits to biennial Conferences, the supreme authority of the NZCTU, may come from affiliated unions but not from standing committees. This was questioned by the Auckland CTU women's committee, but the issue could only be raised at the 1992 conference courtesy of the COMPASS Union. The national NZCTU Women's Committee was unable to support the remit, having not yet fully discussed it on the basis of positions taken by the affiliate unions its members represented. However, the NZCTU Runanga spoke out strongly on the issue at the Conference - with the result that the Runanga, but not the national NZCTU women's committee, won the right to present remits directly to Conference.

This situation of diminishing autonomy for standing committees led some Wellington union women once again to organise in a form that allowed them greater autonomy. After the repeal of the Employment Equity Act there was little to bring union women together, as efforts to negotiate under the Employment Contracts Act absorbed the



energy and resources of unions. However, Wellington women felt that unions were no longer providing resources for women or prioritising their issues. In early 1992 Wellington union women established a Working Women's Resource Centre, at the Exchange & Resource Centre of the Unemployed Workers movement rather than on premises shared with unions. Like Auckland women they felt the need for an organisational base from which they could work for women, which allowed them the autonomy to identify and pursue their own interests in their own way.

*"There was a feeling that it wasn't worth setting something up that would not be run the way the women involved wanted it to...We want to work with unions, we don't want to be captured by them."*

(Wellington WWRC Management Committee member, May 1992)

Successful fundraising events were held, working parties formed on various issues and there was a renewal of enthusiasm and energy. Support from the Auckland Working Women's Resource Centre was, however, slightly ambivalent. Some management committee members feared the presence of a Wellington Working Women's Resource Centre might erode already shrinking financial support for the Auckland Centre from national unions with offices in Wellington.

Although political spaces for women within NZCTU structures were losing autonomy and changing, the number of women's committees in unions was growing. Participants at the 1991 NZCTU National Women's Conference reported more unions with high female memberships were establishing women's committees on the model of the NZCTU or appointing Women's Officers on the model of the Clerical Workers and Distribution Workers Unions. These and some other highly female dominated unions led by women, such as those for nurses, considered that specific representation was not necessary for them since women's issues were already seen as mainstream issues. However, for no union (other than Te Ropu Kaimahi Maori) can this be said of Maori or Pacific Islands concerns.

As the case studies in later chapters indicate, support for specific representation for women and for the women's issues identified at the beginning of this chapter varies considerably even between unions with large female memberships. Generally, the

union movement has accepted that organising separate women's groups - once considered so radical - can be an effective means of encouraging women's participation.

*"I think there is an understanding of the need for women to have a separate voice within the unions, the problem is whose voice that is. Is it a feminist voice criticising the union structure? Is it a women's voice, making their contribution, getting more experience, getting more involved. Those two roles are quite different."*

(Distribution Workers Union Official, May 1992)

Where 'women's voices' might speak of particular problems arising from their situation and their experience of work, a 'feminist voice' might add to that an analysis informed by feminist theory of the way those problems and positions were constructed through gender relations operating in the workplace and the labour market - and a similar analysis of the way the union was or was not responding. As in the case of the Service Workers Union in this study, the 'women's voice' may be more acceptable in male-led union organisations. Some of the feminist unionists interviewed saw the need for unions to listen to both.

By the beginning of the 1990s, some women union leaders were discussing a growing contradiction between the needs of women members who were beginning to become involved in their union and of women with long years of experience in the union movement. Women who had risen from the membership to organiser, perhaps to union president or secretary, had considerable expertise in labour relations, a highly developed feminist analysis connected to international debates, and a strong critique of process and structure. Their need was often for a space to strategise and to work at a political level. However, encouraging 'plain and purl'<sup>2</sup> members to become involved would mean bring onto women's committees or executives women who were unfamiliar both with unionism and with its history of sexual politics. This situation required a return to a focus on mutual support and education.

*"We have not been able to seriously strategise about what we want to do because there are women on that committee who do not have an*

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<sup>2</sup> A term taken from knitting used by Wellington feminist unionists as an alternative to 'rank and file' for referring to female dominated memberships, in rejection of the pervasive military imagery of unionism (Deek & Boxall, 1989:11,15).

*understanding about how the union is structured, let alone what is wrong with that. If we ignore them they will turn quite anti-feminist and anti the women's structure."*  
(Distribution Workers Union Official, May 1992)

This is the kind gap in perception between leaders and members that Offe & Wessenthal (1985:198) refer to in their discussion of the need for 'dialogical communication'. In this case it relates to constructing collective 'women's interests' across differences in the interests and perceptions of 'purl and plain' members and experienced women who have risen to leadership positions.

As this chapter has outlined, feminist unionists' critique of union structures developed over a number of years of working within unions, organising to have the Working Women's Chapter adopted into policy and actively pursued by the union movement. As part of that experience, separate committees for women within the NZCTU were a practical, if not perfect, strategy which allowed women to articulate and organise around collective interests. By 1990 not all such committees were an appropriate starting point for women becoming involved in their union.

Union education was an important early focus of the women's sub-committees and some female dominated unions - and indeed of the Working Women's Council. From 1986 the Trade Union Education Authority, initiated by the Labour government, took up much of that role. In 1992 the Authority, its subsidies to union-based educators and Paid Education Leave were abolished by the National government, and union education became entirely the responsibility of individual unions coordinated by an NZCTU committee.

In late 1990, anticipating both this reversal and voluntary unionism under National, the Women's Officers of the NZ Clerical Workers Union and the Distribution Workers Union in Wellington planned to develop local women's groups at the most grassroots level of membership, with the groups themselves to decide their own concerns and activities.

*"Because you need to make unions more accessible to women in general...There is this belief that the ordinary shop assistant would not want to come to a women's seminar because they would see it as a feminist thing, too*

*political or whatever. That has never happened in all the time I have been involved. Women love it."*

(Distribution Workers Union Official, May 1992)

However, progress in this direction was overtaken by the adverse effects on these unions of the Employment Contracts Act, 1991. In many areas of the market for women's labour, the goal of 'making unions relevant to women' slipped back 60 years to trying to make unionism for women possible.

*"The Act has had a real effect on our ability to carry on with the things that we have identified which are important (to) increasing the participation of women."*

(Distribution Workers Union Official, May 1992)

At the time the Employment Contracts Act was being passed, the NZCTU surveyed its affiliated unions about women members and their representation in elected and paid union positions.

Internationally, union membership is associated with better wage rates and conditions, and higher female unionisation rates are associated with smaller gender pay gaps (Curtin 1991:4; Sarr 1992:3). Women have generally been less unionised than men but, as highly unionised male-dominated industries contract and female dominated state sectors are organised, women are now the majority of new recruits (ILO 1988:4; ICFTU 1991:42). In New Zealand, however, in the post war years women's rate of unionisation, relative to their workforce participation, appears to have matched that of men (Geare, Herd & Howell 1979:9-10; Sarr 1992, 1993).

Taking into account the strongly male character of unions outside the NZCTU, the 1991 survey confirmed the findings of the 1969 survey mentioned at the beginning of this chapter (Geare, Herd & Howell 1979:9). Women, who were 44% of the workforce in 1991 (Dept Stats 1991b), made up 48% of NZCTU's total membership and 53% of its membership in the private sector (Sarr 1992).

The survey also measured women's participation in union leadership, which had been so appallingly low in the mid 1970s (NZPSA 1976; Geare, Herd & Howell 1979). Their representation was highest at the level of union presidents and this appeared to be

improving rapidly: in 1988 women were being elected president by unions with 75% or more female membership, by 1991 they were being elected to this position by unions with 50% or more. Representation was good among industrial and research staff (51%) although representation rates of women members generally fell progressively among union executives, union conference participants and union delegates.

*"Those statistics were an absolute stunner to me, it was not the picture that we have all carried. Now that picture may become true again as a result of the Employment Contracts Act."*  
(NZCTU Official, May 1992)

International comparison indicates that women officials prioritise 'women's issues' more than their male counterparts (Curtin 1991:9-11). As shown by this chapter and by the case studies which follow, concerns about sexual harassment, representation of women and Maori members, pay equity and equal employment opportunity have been taken up by women rising to leadership positions in female dominated unions.

The 1991 survey showed women least well represented among union secretaries, the position of longest tenure and greatest practical power. It still required more than 75% female membership before a woman secretary was likely - but by no means assured. Only 8 out of 21 general secretaries were women, representing 26% of union members.

*"Go around and see who are the secretaries and assistant secretaries in any unions, by a huge rate they are males. A point we have talked about a lot as women...The membership say it as well, they are not slow in telling you we would really like a woman."* (Hotel & Hospital Workers Organiser, Feb. 1991)

The survey showed that unions with less than 86% female membership had now specific structures or specific activities for women members (Sarr 1992). My own assessment of New Zealand unions would be that 86% female membership is about the point of 'critical mass' at which female dominated unions are achieving women leaders.

This NZCTU survey on the representation of women in the union movement indicated that, while there was not yet equal representation, nor yet equal power, there had been remarkable change over a decade and a half.

## Conclusion

The aim of feminist unionists from the mid 1970s to the early 1990s was to make unions more relevant to women members by raising the priority given to concerns like childcare, parental leave, sexual harassment, equal employment opportunity and pay equity. This was done by bringing women together in the union movement using a series of women-only organisational bases.

These women's groups were tactically positioned variously inside or outside the formal structures of individual unions and/or the union movement. The collective political strength such groups gathered was aimed at changing union policy at all levels to include the concerns of women workers alongside those of men. Such policy change was directed at bringing the collective power of the whole union movement behind issues of importance to women workers, as well as encouraging women to be more active in their unions.

The earliest groups, the Working Women's Alliance and the Working Women's Council, developed a socialist feminist analysis of the position of working women and a Working Women's Charter of rights. The adoption of the Charter into Federation of Labour policy led to active regional and national women's committees. Working closely with Maori unionists, feminist unionists ensured that standing committees with voting rights were included in the NZCTU which brought public and private sector unions together. Greater differences between women's positions in labour market and greater bureaucratic control meant less autonomy and opportunity for activism within these NZCTU committees. As a result, new autonomous political spaces have been established, by Maori in an independent union, Te Ropu Kaimahi Maori, and by Wellington feminist unionists through a Wellington Working Women's Resources Centre, modelled on a similar Working Women's Resource Centre in Auckland.

This chapter discusses the context of gender politics in the union movement over the last 20 years. As women gained experience, through activism in women-only groups and as organisers, they began to stand for positions of union leadership. During the

1980s some occupational unions with very high proportions of women members were for the first time led by women, who gave priority to campaigns on 'women's issues'. These unions themselves provided a political organising space for feminist unionists.

The work of feminist unionists contributed to significant changes benefiting women in paid employment - equal pay, the Charter, parental leave, sexual harassment grievance procedures, specific representation in unions, equal employment opportunity, pay equity - at the same time as the traditional system of protection and negotiation which underpinned the unionisation of women was being eroded, then overturned.

*"Important things were achieved. However, because of the economic crisis they are the kind of things that may disappear."*

(Clerical Workers Union Official, Aug. 1991)

## CHAPTER 6: SELECTING THE CASE STUDIES

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### Introduction

This chapter explains the selection of the occupations and unions studied. It considers the gendered nature of each occupation and the way gendered employment relations intersect with the gender division of labour in each of these areas of work.

The last section of the chapter sets out the themes which run through each of the case studies in Chapters 7, 8 and 9.

### Selecting Unions for Study

Through studying unions for three typical but contrasting occupations for women, this thesis looks at the way the collective bargaining power of workers very differently positioned in the labour market has been affected by changes to labour relations legislation, and in particular by the Employment Contracts Act 1991. The case studies also explore the extent to which - and the reasons why - these unions participated in feminist unionist activism of the 1980s, which aimed at making not just unionism, but the labour relations system itself, more relevant to the situation of women members.

Of the occupations in which women are concentrated, clerical work, nursing and cleaning were chosen as work typically done by women which also illustrated differences between types of 'women's work'. All are forms of service work, which is typical of women's employment both in New Zealand and internationally, and is less frequently studied than the primary production and production sectors in which men predominate (Cobble 1991a:419; Roper 1984; Dickens 1989:1; Street 1993:vii-xii; MWA 1993). In 1990 the female membership of the occupational unions covering clerical work, nursing and cleaning together totalled around 70,000 women.



Initial selection was based on what can only be described as a good general knowledge and some personal experience of these occupations, but little knowledge of the unions which organised them. Of common female dominated occupations, the selected three needed to illustrate the contrasts between women's occupations, including contrasts with regard to educational requirements, social status, and average earnings. Nursing is one of the two main professions in which women are concentrated; in 1991 nearly a third of all female professionals were registered nurses (MWA 1993; Statistics NZ 1993c:270). Clerical work was an obvious choice because it is the work of around a third of the total female workforce. Cleaning was chosen as a largely parttime and often casual service occupation, which at the 1991 Census was the seventh most common job for women (Appendix 2).

There is a marked contrast in the earnings potential of each occupation. In 1990 a first year staff nurse received a base rate of \$24,511 per annum (\$471/wk; \$11.80/hr) rising in stages to \$31,111 per annum (\$598/wk; \$14.95/hr) (NZNA 1990b). In private hospitals a staff nurse earned \$463 a week (\$11.50/hr) and a hospital aide \$308 (\$7.70/hr) (NZNU 1990b). Penal rates were paid for weekends, public holidays and daily overtime. The award minimum rate for standard grade clerical work was \$346.96 a week (\$8.65/hr; \$18,000) for the first year with a particular employer (NZCWU 1990b). The hourly rate for cleaners was \$8.40 (\$336.40/wk). Large numbers of Cleaners & Caretakers Union cleaners worked a 15 hour week, earning \$126 (NZC&C 1990). In March 1990 the average ordinary time wage was women was \$11.17 an hour and \$397.31 a week (with men averaging \$13.73/hr and 512/wk and an overall average of \$12.64/hr or \$461/wk) (Dept Statistics, 1990b).

As detailed in first case study, the clerical unions' coverage was restricted to the lower paid end of the clerical labour market by a salary bar and by higher market rates operating in the urban centres of the North Island. This gave them a higher proportion of women members than among clerical workers in general. It also means this study presents a different view of clerical workers from past research which has often been on male clerks (e.g. Lockwood 1958; Perry 1981) or female clerical workers in relatively large organisations and/or clerical 'industries' such as banking, insurance or

public service (e.g. Braverman 1974; Crompton & Jones 1984; Tyrrell 1989; Couchman 1990) where samples of sufficient size for research are more easily found.

Labour market segregation by race was also a consideration in selection. It was known that large numbers of Pacific Islands women are employed in cleaning work, and that Maori and Pacific Islands women were concentrated at lower levels of nursing work.

Another concern was to study unions with predominantly female members which differed with respect to leadership by men or women. Research done outside New Zealand indicates that women officials prioritise issues of specific concern to women members, but that women seldom head union organisations (Curtin 1991; Crain 1991). In these case studies, all unions were female dominated at the membership level. The clerical workers and nurses' unions were led by women, while the cleaners' unions (and all other unions in the initial Service Workers Union amalgamation) were headed by male secretaries.

From this flowed consideration of engagement with union campaigns relating to women, such as employment equity. The clerical unions were prominent in the campaign for pay equity at the time of selection. Nursing has traditionally been a strongly women-led profession, but the NZ Nurses Association's involvement in specifically women's issues, rather than nursing issues, was not well known to the researcher. Nor was it known what the Cleaners & Caretakers Unions' position was, although in 1989 two secretaries were older men well known for their public expression of staunchly traditional union views.

This selection of unions does mean that the focus is on private sector unions organising collectively within the Federation of Labour. It underreports the many feminist unionists active on issues like equal employment opportunity and parental leave in, for example, the Public Service Association, Post Primary Teachers Association and Bank Officers Union.

The selection does, however, provide useful insights into not only the similarities and difference between unions with predominantly female members, but also into how and why unions were differently affected by the Employment Contracts Act, 1991 - a change which was not anticipated when this research was first conceived.

### **Clerical Work, Nursing and Cleaning as Gendered Jobs**

Clerical work, nursing and cleaning were selected not only as occupations statistically typical of women's concentration in the labour market, they were also typical in that they are all occupations which strongly reflect both the content of women's traditional work in the heterosexual family and its gender relations.

As Cynthia Cockburn (1985:169) argues, occupations themselves come to be gendered and are part of the process of gendering people. Research and writing about the experience of working as a nurse, a secretary or general clerk, and a cleaner frequently highlights the way each of these occupations is framed within a discourse defining the 'good woman', her attributes and responsibilities. Since acceptable femininity (and masculinity) is never certain but must continually be achieved (Butler 1990:145), this discourse has subtle affects on the way many women union members approach employment relations.

Of the three, cleaning has attracted the least feminist analysis, but women in Hazel Barnes' (1981:1,48) study saw their evening and night cleaning work as a solution to conflict between the traditional role of fulltime wife and mother and their need to earn. Women's concentration in cleaning also mirrors the gender division of domestic labour, of ancient origins but also of present practice. Unpaid domestic labour became the subject of major debate as marxists grappled with feminist insights (Kaluzyńska 1980; Baxter 1990), the contentious question being who benefited: capitalist employers, male partners or both? There was no disagreement about who did the work: women. Recent international time use surveys on unpaid labour (Scott 1986:68; Ironmonger & Sonius 1987; Richardson 1989; MWA 1991b) and qualitative research on nuclear family household arrangements (Habgood 1992) show that, despite the best efforts of feminists, women's domestic workload is little affected by workforce participation and that, of women's traditional tasks, childcare, cooking and dish

washing are more likely to be picked up by caring partners than basic cleaning (Ironmonger & Sonius 1987:26 table; MWA 1991b).

When cleaning is paid, more men are attracted to the task. This is particularly the case, in the view of union organisers, as unemployment rises. However, the unpaid nature of domestic cleaning and its performance almost exclusively by women underlies the low social status and low wages of people who do cleaning as paid work. Gender - and race - are factors in the devaluation of cleaning work, and in the availability of women for short hours and casual employment. Cleaning is gendered work in that it is very much at the intersection of women's traditional responsibilities in the home and marginalisation in the labour market. Although essential, cleaning work is most visible when it is not done, and this invisibility contributes to the low value placed on it.

Cleaning is night work done by fairies - usually brown female ones. As magic it should be free, just as it is at home. The concept of cleaning by magic, not effort or skill, is frequently used to market cleaning products to women's wishful thinking, through advertisements with such fictional features as magic wands, white tornadoes, or special effects sparkles and flashes. Such images, together with products named 'Mr (sic) Muscle' or 'Mr Sheen', male laboratory experts or laundromat assistants, are both product and reaffirmation of the view that no real effort is involved in cleaning work. It would all be done in a flash, should a man take a hand in it - though this product makes real expertise unnecessary. The work of cleaners, paid and unpaid, is devalued by such images, in ways which contribute to low social status and industrial weakness.

Of occupations typically seen as suitable for women, nursing, along with teaching, offers women professional status and middle class rewards. It is both a 'suitable' choice for a girl in terms of conventional gender roles, and one which offers some career prospects. Part of its suitability, and what attracts many women, is the chance it offers to be of service to others. The continuing image of the 'ideal nurse' was based on a particular Victorian ideal of middle class femininity embodying usefulness, not helplessness, equating the 'good nurse' with the 'good woman' (Garmarnikov

1978:115). Both this ideal and the opening up of a career for women were central to the work of Florence Nightingale who founded nursing as a profession in Britain:

I would far rather than establish a religious order, open a career highly paid. My principle has always been - that we should give the best training we could to any woman, of any class, of any sect, 'paid' or unpaid, who had the requisite qualifications, moral intellectual and physical, for the vocation of a Nurse.

(Nightingale in Garmarnikov 1978:112)

From the sixteenth century medical men began to achieve professional closure around certain health care specialisations, excluding women (Witz 1986, 1988, 1990; Game & Pringle 1983). Nursing developed as a servicing role appropriate to females in relation to this male medical profession. A gendered division of labour was established between curing which claimed a scientific basis, and caring, which was not only natural to women - and therefore to nurses - but their familial duty. Strongly gendered ideals of service and duty account for the slow rise of nursing as a profession able to claim status, improved work conditions and market rewards (Strachan 1991:148-9).

The equation in nursing's traditional ideology between the 'good nurse' and the 'good woman' has, however, been the subject of a widespread critique within modern nursing (Salvage 1985:1-18; Mackey 1989:151-7). The influence of feminism on and within nursing has prompted attempts to change nurses' 'ministering angel' image and to assert the professional autonomy of nurses within the gendered medical division of labour. The link between dedicated service to others, conservative gender relations and subservient relations with doctors was referred to in interviews for this study as 'the Florence Nightingale syndrome'. However, both feminist nurses and those with more conventional views on gender relations come together in regarding nursing as a profession *for women*. As discussed in the case study, this link between gender and profession can serve as the base for a strong collective identity among nurses.

As companies and clerical workloads expanded from the turn of the century, successive areas of routine office work became 'feminised' (Crompton 1988; Anderson 1988; Couchman 1990; Brown 1993), rather than 'proletarianised', since the life chances of male clerks did not significantly deteriorate (Braverman 1974; Crompton & Jones 1984:37). The separation of conception and execution in office work was

accelerated by innovations in office machinery, but the strongly gendered recasting of work organisation to protect men's status and rewards began when women were first drawn into clerical employment as low cost labour (Anderson 1988; Nolan 1992). The costs of clerical expansion were contained not only by low female rates but also by short term employment. While men demanded seniority increase and career advancement, the gender relations of the period meant women could be required to leave on marriage (Crompton & Jones 1984:21; Anderson 1988; Couchman 1990; Brown 1993).

Census information shows a 'dramatic overall increase and a significant feminisation' in the New Zealand clerical workforce between 1891 and 1936, as young single women moved into jobs as typists and stenographers, then as general clerks, and then during the First World War, into work as cashiers and bookkeepers (Brown 1993:27-36).

Despite men's initial fears, evident in heated debate around women's ability to bear the strain and responsibility of office work (Brown 1993:45-56), the employment of women had little real impact on male employment, pay or status, because male and female occupations were kept quite distinct. Both men's and women's clerical employment expanded steadily during and after both world wars and the Depression (Nolan 1992:76-81; Brown 1993:27-36). After 1945 it was married women who further expanded the clerical workforce (Smith 1982; Crompton 1988:126), but the 'glass ceiling' above the typewriter was firmly in place. Developments in office technology have continued to incorporate the values and expectations of an already functioning and accepted division of labour based on gender segregation (Morgall 1986:129; Morgall & Vedel 1985; Game & Pringle 1983).

Initial tensions over the 'feminisation' of clerical work were resolved through discriminatory hiring practices by employers and segregation into male and female clerical occupations. This outcome patterned later state educational programmes (Valli 1986; Walby 1986:186; Nolan 1992; Brown 1993). Melanie Nolan (1992:68) argues that the feminisation of routine clerical work in Australia in fact benefited male white collar workers, as it was men who were streamed into the higher administrative,

professional and managerial positions created as companies and clerical work expanded. A similar trend in New Zealand is verified by Census figures (Brown 1993:27-36; MWA 1991b, 1993). The segregated organisation of office work continues to draw heavily on traditional gender roles and stereotypes. Linda Valli and Rosemary Pringle identify roles as office 'mother' 'daughter' or 'hostess' which are assigned to secretaries and other women clerical workers (Valli 1986:69-73; Pringle 1988). The central dynamic in the gender division of labour is one of women servicing men. As Dorothy Smith expresses it more abstractly, 'women mediate for men the relation between the conceptual mode of action' - the decision-making power monopolised by men - 'and the actual concrete forms on which it depends' (Smith 1979:168).

### **Gendered Employment Relations**

The social relations of gender which are built into the nature and content of women's employment cannot be overlooked in the task of organising or representing these women industrially. Not only is the labour market as a whole structured by gender, the occupations covered by unions in this study present three different examples of women's work structured by a particular gender division of labour which, directly or indirectly, is a feature of the employment relation. Gender relations intersect with employment relations. In each case, the complex dynamics of this affect the individual and collective power of women to bargain with their employers.

The division of labour between nurses and doctors is most familiar. Union members' strong identity as nurses, on which both professionalisation and industrial strategies build, is constructed within this gendered division of labour (Salvage 1985). A familial pattern of interaction between doctor, nurse and dependent patient has been established (Garmarnikov 1978) which draws on wider gender relations, despite nurses' assertion of professional autonomy over their own labour process. However, the employment relation of most nurses no longer coincides directly with this division of labour, and it is their employment relations that have given New Zealand nurses most difficulty in recent years. The majority of nurses are employed by the state. Until the management changes described in Chapter 8, nurses' work and relations with doctors were managed by senior nurses, while the terms of their employment were

settled with distant public service negotiators. In most of the private sector too, medical and employment relationships are usually distinct. Generally speaking, only practice nurses are in a similar position to most clerical workers; that is, working in a close and hierarchical division of labour with a doctor, still typically male, who is also their employer.

Nevertheless, the 'client' relation with patients creates a three-way dynamic in the employment relations which crucially affects bargaining strength. Nurses *work for* their employers - the Health Department, hospital owner or GP - but *provide nursing services to* dependent patients, a distinction somewhat blurred by nursing ideology. Rejection of the role of 'handmaiden to the doctor' has tended to reinforce dedication to patients as the basis of nurses' professional identity. Professional ideals of service which focus on the nurse-patient relationship underpin a strong nursing identity, but can undermine nurses' industrial strength by inhibiting action which may have negative implications for patients.

Clerical workers, like nurses, perform service work, rather than production work. However, in private sector clerical work both the work and the servicing is for the person, typically male, who hired the clerical worker, typically female. Not surprisingly, 1991 Census categories showed roughly similar numbers of male 'managers' and female 'secretaries'. Manager/secretary and accountant/wages or general clerk continue to form typical gender divisions of labour in the office. Paul Couchman's (1990) work on the history of feminisation in state sector clerical work focuses on the way hierarchical relations of gender were built into bureaucratic systems of control. I would argue more strongly that gender relations themselves directly constitute a form of managerial control. Most private sector offices in New Zealand are small (Dept Statistics 1991c:20-21), with personal rather than bureaucratised forms of control. Work is both allocated and supervised within a close hierarchy of gender relations. That is, the employment relation, job descriptions with a high personal servicing content and traditional gender relations together construct the highly personalised interactions in small New Zealand offices. Gender socialisation and established practices of gender relations directly undermine women's bargaining position in their employment relation.



Despite low pay, short hours, and very low status, the employment relation for women in cleaning work is much more clear cut. A gender division of labour in the care of premises exists between cleaners and caretakers - both covered by the union studied here. Although caretakers sometimes have a supervisory role, such a hierarchy is quite shallow and it does not coincide with the employment relationship. Although most employers are men and most cleaners women, physical separation and isolated work situations depersonalise these employment relations. This view is reinforced, rather than crosscut, by race differences between many commercial contractors and cleaners in New Zealand's two largest cities. Employers are seldom present when cleaning is done, nor are clients or other groups of on-site workers with other interests. As the source of revenue, the client is a third party who can be used as a lever against the employer, rather than as a moral constraint on the employee, as in nursing.

Whether or not the employment relation coincides with the gender division of labour structuring these occupations, the employment relation itself is usually - although not always - gendered. The majority of members in each union group are women whose employment, earnings and conditions of work are predominantly in the control of men. Gender socialisation and gendered social practices intersect with the power imbalance inherent in the employment relationship to structure labour relations negotiations.

The way the social relations of gender intersect with employment relations has relevance for the debate on managerial control which arose from Braverman's work. Littler (1991:71) suggests that an aspect of control relationships is their legitimisation by 'general cultural norms', citing the widespread acceptance of property rights. I would argue that just as that gender relations delimit women's jobs (Cockburn 1988; Franzway, Court & Connell 1989:26), hierarchical relations of gender and patriarchal practices of control are an important aspect of managerial control in the employment of women, although the particulars of those practices will vary between occupations and, indeed, employers. In the segregated labour market the class relations of women's employment are structured by the patriarchal relations of gender, which are themselves reconstructed daily in active employment practices at work (Walby 1986).

Recognition by feminist union officials of the way gender identity and gender relations affect both the situation and decisions of individual members and collective bargaining strength is at the heart of what this thesis terms 'feminist strategies'. Feminist unionists in these unions focused on the fact that the majority of their members were not just workers but were specifically women workers. They took up issues arising from the gendered nature of the occupation and the employment relation, as well those arising from gender segregation in the labour market and the devaluation of women's skills in that market. They organised in ways derived as much from the women's movement as from unionism. These strategies are detailed in the case studies, then drawn together in the concluding chapters.

In the course of this research it became clear that examining feminist strategies within three discrete case studies of female dominated unions would not adequately describe what was in fact occurring. Even in women-led unions covering female dominated occupations, these strategies were not being adopted and pursued in isolation, but as part of feminist strategies and gender politics within the union movement as a whole. For feminist unionists trying to establish the legitimacy of women's issues within their unions, wider politics and organisation across unions was vital.

The case studies need to be set in the context of the account of feminism in the union movement provided in the last chapter. This account overlaps and connects with the union case studies. It sets the framework within which officials in the unions which are the focus of this study strategised, organised and lobbied.

### **What's Interesting About the Case Studies**

The case studies which follow are accounts of the situation and strategies of unions organising clerical work, nursing and cleaning, as seen through the eyes of central decision makers and strategisers. These case studies explore similarities and differences between the organising situations of each union, and between what are identified as the collective interests of the unions and the strategies adopted in pursuing those interests. Collective interests and strategies are established through the decision making processes of each union - by elected or paid officials, elected

union executives, and by meetings of union members and delegates. The strategies adopted reflect both the material situation of the occupational workforce and the differing social analyses held by key decision makers with regard to gender and class relations.

Threading through the case studies are a series of issues on which these unions - and feminist unionists - have taken positions. Although the positions and strategies adopted by feminist unionists exhibit strong commonalities, these 'interests' are not the same for all women workers but reflect differing concrete situations in a changing environment. Compulsory unionism, for example, was not an issue for nurses in public hospitals, but had underpinned the unionisation of private sector nurses and the two other occupations studied. Although autonomous organisation for women is important, not all unions need to implement specific representation to achieve this. Similar interests and the 'discursive marginality' which women have in common (Pringle & Watson 1992:68) made possible alliances between feminist unionists and female dominated unions on issues like the Working Women's Charter, sexual harassment and employment equity. In relation to legislative changes to award bargaining or in relation to NZCTU strategies, differences of organising situation and industrial leverage make effective organisation around a coherent set of 'women's interests' difficult despite the gendered implications of corporatist changes and some similarities in the positions of these unions.

The central issues arising from changes to the labour relations, on which the positions of these female dominated unions have both commonalities and differences, are **voluntary unionism**, access to **arbitration and industrial action**, and the overturning of the traditional award system of centralised bargaining by the **Employment Contracts Act**. Also important in the accounts are similarities with respect to the impact of 'strategic unionism' (ACTU/TDC 1987) recommended by NZCTU leaders for the movement as a whole - particularly the **restructuring of occupational unions by industry** or sector, the **Compact and Growth Agreement** with the Labour government (NZCTU 1988b, 1989a, 1990a; Harvey 1992; NZ Govt/ NZCTU 1989; Moore 1990). These issues thread through the case studies, yet each account is a complex whole

which presents its own themes of interest and its own insights into the labour market situation of a particular group of women and into union strategies.

Also examined is the extent to which of each group of unions has **women in leadership positions** and the way in which the needs of their **predominantly female membership** are defined and addressed. The extent of engagement with issues like **sexual harassment, employment equity and the specific representation of women, Maori and Pacific Islands members** is also addressed.

Within the case studies, there are two main areas of focus. The first is the connection between what may be called **situational factors** affecting the bargaining power of each workforce and the strategies adopted in response to this by each union. The second is an exploration of the degree to which these unions utilise **feminist analyses and strategies** to pursue goals specifically related to women. Consideration is also given to union **organisational structures** which facilitate the adoption of such strategies.

Through the accounts, large issues and small details reoccur in different forms and at different angles. The commonalities and differences underlying these accounts raise questions about the legislative framework, union strategies and organisational forms which will enable unionists to best respond to the way the members they represent are positioned in a labour market structured by race and gender.

## CHAPTER 7: THE CLERICAL WORKERS UNIONS

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### Introduction

This case study examines the effect of voluntary unionism, voluntary arbitration and enterprise bargaining on the union organisation of clerical workers. With national awards removed by the Employment Contracts Act, 1991 the logistics of negotiating enterprise contracts on behalf of the extremely scattered clerical workforce undermined union viability. At the end of 1991 the NZ Clerical Workers Union, covering members from Wanganui to Dunedin, was dissolved under the auspices of the NZCTU. In June 1992, the Northern and Southland unions amalgamated into the Service Workers Union to ensure organisational survival and provide a some measure of national representation for clerical workers.

The story of NZCWU's collapse is told here. Both the early and most recent history of the clerical unions demonstrate the importance of state supports to collective bargaining for low paid scattered workers.

This case study also enlarges on the story of feminist unionism outlined in Chapter 5. With memberships more than 85% female, the clerical unions were among the first to achieve leadership by women in the early 1980s, as feminist activism spread to the union movement in which women were already members. Women officials of the clerical unions began to strategise around issues of specific concern to women at work. Their effects to raise women's involvement in unionism and their campaigns to make unionism and the labour relations system more relevant to women are an strong feature of this first case study.

### Origins of the Clerical Workers Unions

When this research began in 1989, there were five regional clerical workers unions affiliated to a national NZ Clerical Workers Association. The Association played a

centralised role in negotiations and political lobbying had grown during the 1980s, but tensions between the regions about autonomy and costs in the face of impending voluntary unionism led to it disbanding at the end of 1989. The Otago, Canterbury/Westland and Central unions amalgamated to form the NZ Clerical Workers Union (NZCWU). An equally large Northern Clerical Union, in 1991 renamed - and referred to here as - COMPASS, covered from Taupo to Kaitia, and the very small Southland Clerical Union continued virtually unchanged through its history.

The clerical unions have frequently been referred to by historians and other unionists as mere 'creatures of legislation', as 'paper unions' (Roth 1973:74; Franks 1987:199). This was partly because of the clear importance of the introduction of compulsory unionism and reestablishment of compulsory arbitration in the initial unionisation of clerical work and other industrially weak occupations for women. Attempts were made to organise office workers in the main cities between 1909 and 1919. However, when the first Labour government introduced its labour reforms in 1936, only the Canterbury union with a tiny membership was still in existence (Moynihan 1986:6; Franks 1990). The addition of compulsory unionism to the IC&A package that both took the personal risk out of union membership for isolated workers and made unions for scattered workers financially viable.

The denigration of the clerical workers unions as 'paper unions' was also because the card votes of their large but passive membership had provided the power behind a controversial Federation of Labour leader of 1840s and 1950s, Fintan Patrick Walsh (Scott 1952; Bassett 1972; Moynihan 1986:21,51). This is a view that focuses on the effects, rather than causes, of industrial conservatism among clerical workers.

The early history of the clerical unions (Franks 1986, 1987, 1990; forthcoming) reveals a very active struggle to organise on an occupational basis to negotiate awards.

*"There was nothing automatic about the 1936 legislation. It had to be gone out and done, and it was hard work. There were real challenges to trade unionism and to the clerical workers in particular."* (NZCWU Staff Official, May 1992)

Despite legislation, there is some doubt whether the first Labour government expected unionisation to be taken up by clerical workers as well as 'industrial' workers. The

Minister of Labour spoke of 'fixing wages by statute, with special reference to domestic and female office employees, who are unlikely to organise' (Franks 1987:200).

However, newspaper articles in the 1930s show great dissatisfaction among clerical workers with low wage rates, long hours and unpaid overtime (Moynihan 1986:8-9; Franks 1986, 1990). Unionisation on the basis of an occupational award was not only more usual than industry bargaining at the time, but was the form preferred by most clerical workers as reflecting occupational identity as well as market. Some were reluctant to associate themselves with a union movement seen as working class. In the view of the labour historian researching this period:

*"There was a conservatism there that meant they would get together as clerical workers but not necessarily together with other kinds of workers."*

(Franks, May 1992)

The organisation of regional clerical unions was facilitated by the inclusion of union employees under the registered membership rule of the clerical unions (Moynihan 1986:10). This aspect of membership facilitated some questionable political manoeuvring (Moynihan 1986:15), but the presence of energetic officials from the Trade and Labour Councils meant the rapid organisation of a large clerical workforce with little experience of unionism. Enough initial support was needed to register an union, and to negotiate under the new labour laws. The first awards produced results, doubling the pay of some clerks, and the 'compulsory' membership applications flooded in.

The interpretation and application of legislation was actively contested between different kinds of clerical workers, between unionists and the more conservative, between clerical workers and employers who sought to ensure the registration of small, controllable 'industry' clerical unions. The central issue was one of occupational or industrial unionism; whether clerical workers had the wish or the right to organise on the basis of the kind of work they did, rather than the kind of work their employing firm did.

The mixed coverage of the clerical labour market by some industry as well as occupational unions was the pragmatic outcome of this struggle for effective unionism.

Coverage of the full workforce by unions was coordinated by the FOL, but power of registration lay with the state (FOL 1938). Existing guilds in the clerical industries of insurance and banking were registered as unions (amalgamating to form FINSEC in 1990). A separate northern union for local body officers also originates from a guild formed at this time. Clerical workers in the strongly unionised freezing works and railways were registered separately, as was a guild in the shipping industry. Other industry unions contesting coverage with the occupational union for clerical workers were considered to be 'bosses' unions'. This was clearly the case with large stock and station agents, who lobbied strongly against the legislation (Roth 1973; Moynihan 1986:13-15).

Any doubts about what kind of organisation would be effective in improving rates and conditions for most clerical workers were quickly dispelled by the actions of employers. Employers tried to discourage employees from joining the new occupational clerical unions, and counter-organised their own. Since registration would bring legal recognition of coverage by the union, with whom employers would have to negotiate an award, employer-sponsored groups challenged the validity of occupational clerical workers unions in the courts under the definition of the term 'industrial' in the IC&A Act. Amending legislation in September 1937 clarified the government's intention. Employers obstructed negotiations and in 1938 were behind an attempt by some senior clerks to gain control of the Auckland union executive, defeated when over 1000 members rallied in support (Moynihan 1986:21). There was a very similar coup attempt on the Canterbury executive around the same time (Franks, forthcoming).

Peter Frank's historical research on the active involvement of clerical workers as they defended their new unions against employer infiltration and influence refutes the simplistic 'creature of legislation' view. Compulsory unionism and other aspects of the IC&A Act provided the framework within which the unionisation of the clerical workforce was possible, but by no means inevitable.



## Labour Market Coverage

The membership coverage of NZ clerical workers unions was determined by its registration under the IC&A and later Acts, and by the occupational descriptions and exemption rates contained in its main awards. This coverage was disproportionately at the feminised bottom end of the market for clerical work.

The clerical unions' main awards (but not more recent industry or enterprise documents) contained a wage rate above which clerical workers were exempted from compulsory union membership and excluded from coverage by union negotiated awards. This dates back to the early struggle for effective unions against employer influence. The exemption rate effectively marked the borderline between management and clerical workers (Anderson 1988:3), rapidly becoming a vertical segregation by gender in the office division of labour. The exemption rate appears to have been instigated by employers (Moynihan 1986:16), to keep their key, higher ranking clerical employees deunionised. However, it was agreeable to the unions since, by effectively excluding from membership those earning over a certain amount, it blocked any effort by management-identified senior clerks to take over union executives - as was indeed attempted in the unions' first years.

Over the history of the unions, however, employer resistance and wage inflation squeezed down the exemption rate, restricting union coverage to the lower reaches of the labour market and effectively deunionising many clerical workers. Although any clerical worker could join the union, the awards on which the union was based covered only those earning between the minimum rate and the exemption rate contained in each award. The exemption rate in the NZ Clerical Award, the main award covering 60% of the membership, was \$20,669 in 1988 and \$22,463 in 1991. As officials knew from their inspection of wage books, this was well below the market rates paid for skilled and experienced staff in the urban centres of the North Island.

*"It was there to keep us small and fragmented. It was very hard to organise clerical workers to fight for something technical like that and we could never break through it."*  
(COMPASS Staff Official, Feb. 1991)

*"We keep losing people out the top, they ooze out through the exemption figure."*  
(COMPASS Organiser, Feb. 1991)

This concentrated union coverage at the bottom of the labour market and accounts for women being a higher proportion of members of the clerical workers unions than they are of all clerical workers, as shown by occupational statistics. Around one third of NZ women are employed in clerical occupations, making up 75% of all clerical workers in 1986 (Dept Stats 1986; NACEW, 1990). However, in 1990, with some regional variation, 88% of clerical union members were women. Within broad clerical occupational categories, men and women are likely to be employed in different specific occupations, strongly differentiated by gender (NACEW 1990:64), with women concentrated in those which are lower paid and therefore more likely to be below the exemption rate and under union award coverage.

These differences become clear in examining the composition of the membership itself. Male members were less likely than women to be covered by the main clerical award. They were more likely to be covered by the clerical unions' industry awards for legal offices, local bodies, or the airlines (with higher or no exemption rate), or to be in lower level computing or accounting jobs. Their membership came often at the beginning of a career path which would take them out of routine clerical work and above the exemption rate.

Women members were heavily concentrated in clerical jobs requiring keyboard skills, at the bottom of office hierarchies which included both member and non-member clerical workers. Women union members - and non-members - were often in sole charge jobs or on small worksites with only one or two other clerical workers with a range of duties; such small firms were likely to pay rates on, or closer to, the award.

The membership of the clerical unions also showed geographic variations, which gave rise to regional differences between union stances, and to variation in the impact of voluntary unionism in 1984 and the later Employment Contracts Act. Census figures for 1986 showed one third of all clerical workers located in Auckland, one third in Wellington, with the rest spread around the country (Tyrrell 1989:17). But in these two cities local market conditions meant higher rates were commonly paid for clerical skills while employers kept national rates low. Outside the major cities, the minimum rate contained in the NZ Clerical Award was likely to be the paid rate. In the central urban

areas, often only junior staff on lowest pay would be covered by the award and obliged to pay a union fee. This meant that the membership was unexpectedly thin in downtown Auckland and Wellington, just where logistical concentration would otherwise have been most expected.

The further south, the more the award, and therefore the union, was regarded as relevant by clerical workers. Paradoxically, what unions have traditionally been able to deliver had become most relevant in the more conservative areas of the country.

In Invercargill:

*"The argument is for regional rates and my argument is we already have them. They are paid on the award here. The further north you go the better it is. Some people here on the general award have been working for 15 years, sole charge in an office, and are only getting \$18,000, the top of grade 3. I think that is appalling."*

(Southland Elected Officer, April 1991)

*"There is a perception down here that any person connected with the union is an activist, an SUP member or, at the very worst, votes Labour!"*

(Southland Elected Officer, April 1991)

There are also important regional differences in the nature of industry, the proportion of corporate head office, commercial or 'blue collar' clerical workers, and worksite concentration. This was shown in a comparative analysis of regional memberships conducted in November 1987. For historical reasons, South Island clerical unions covered most local body and area health board clerical workers, under awards without exemption figures; a higher proportion of Trustbank employees; fewer airport staff than Auckland. These regional differences led to tensions between regions on strategies and concerns, which reflected local position and local attitudes, and to regional variation in the impact of the ECA. There are also regional differences in successful organising tactics.

*"We do things differently, what works for our (Dunedin) members will not necessarily work in Christchurch or Wellington and vice versa...a champagne breakfast in Wellington was quite successful, but we thought you have got to be joking!"*

(NZCWU Organiser, April 1991)

A point of membership coverage of particular fascination and strategic relevance is the clerical workers unions' representation of union organisers and union clerical staff. From the late 1970s, unions expanded their numbers of union organisers and support

staff - many of them women - who became members of the clerical unions, some rising to elected positions. At the time of study, two of NZCWU's executive committee were union members by virtue of their employment with the Labourer's Union in different cities. On amalgamation with SWU in June 1993, COMPASS also had two executive members who were union employees. The presence at meetings and on executives of these members whose jobs gave them expertise in industrial issues and the concerns of women at work was an important factor in the radicalisation and growing feminism of the clerical union through the 1980s.

*"No doubt about it, if they get up and speak rationally and lucidly...because they are professionals they put a different side, and clerical workers listen."*

(COMPASS Staff Official, June 1992)

This coverage of clerical workers included coverage of the clerical unions' own employees, both organisers and support staff. Under a ruling of the Registrar of Unions, these staff members were entitled to stand for office. Organisers in particular were well known to members and likely to be voted for. However, although experienced clerical organisers had been elected into office as paid secretaries, they were discouraged from standing for voluntary positions as executive members.

*"You could have the ludicrous situation where they would be their own employers and direct the secretary who is supposed to be in charge of them."*

(COMPASS Staff Official, June 1992)

The clerical unions' coverage of union staff meant they frequently intervened in the employment affairs of other unions, on behalf of staff who were their members. This has contributed to the tensions between the clerical unions and other unions in the movement. The sting in this tale comes in the clerical unions' coverage of their own employees, when difficulties arise between union management and staff as it did in NZCWU in 1991. Details of this dispute are discussed below. Like other committed unionists, clerical officials too can have difficulty recognising the unfairness of their own practices:

*"What they say and how they are as bosses is a different story."*

(COMPASS Organiser, Feb. 1991)

## Membership Characteristics

In 1989 membership of unions in the Clerical Workers Association totalled around 35,000. With some regional variation, 88% were women, an estimated 80% in fulltime employment. In interviews, many clerical union officials expressed a strong consciousness of their representation of a membership who not only were predominately women, but women working in strongly gendered occupations.

The occupations in which women are employed in the clerical workforce were created and continue to be reproduced within a gender division of office labour that is both horizontally segregated and hierarchically organised by gender. Researchers as well as unionists point out the strong parallels between gender relations in offices and in the traditional family, with women cast in a servicing role as 'office wife', 'office daughter' or 'sexy hostess' (Valli 1986; Pringle 1988). Clerical union officials saw a clear connection between women's social subordination and the requirements of office jobs.

*"The clerical industry keeps women in the social position that they are already in, handmaidens to their employers."*

(Central CWU Staff Official, Aug. 1991)

Recognition of the gendered nature of women's clerical jobs and its effect on bargaining power underlies the NZ Clerical Workers Association's profile of its 'typical clerical worker', developed to explain to policy makers the vulnerability of women in small offices and the constraints on their taking industrial action:

- \* She works with one other clerical worker in close association with her male employer;
- \* She brings to her employment a loyalty and obedience which reflects a social stereotype of the 'ideal woman' as helpful and accommodating.
- \* She provides support services for management. She must exercise tact and discretion to maintain a comfortable working relationship which is much closer than that between an employer and, for example, factory workers.
- \* Because clerical workers are indirect rather than directly productive, they are not generally seen as important contributors to industry.

Each of these facts mean that the 'typical clerical worker' is very vulnerable to any pressure exerted on her by her employer."

(NZCWA, 1987:7; 1986:2; 1988:4)

Membership of the clerical unions remained fairly stable over the 1980s<sup>1</sup>. In the experience of clerical union officials, until the late 1980s technology change in office work had tended to increase productivity, information and paper, and to shift workers between kinds of clerical job and different employers rather than reduce the overall numbers of the clerical workforce. Since clerical workers are employed in all industries and all sectors, membership was less affected by the industry contractions and expansions of the mid-1980s. Contraction in manufacturing in the mid-1980s was balanced by a boom in finance and some growth in the service sector; even bankruptcies generate clerical work.

The clerical workforce and clerical union membership numbers were relatively stable through the 1980s, but the clerical workers themselves are highly mobile. With few firms offering career paths to clerical workers, they seek advancement and variety largely through job change (Anderson 1988:19; Tyrrell:51,58-9, 82). For example, there was a 50% membership turnover in the Northern region in 1990.

From 1989, however, the job market for clerical work tightened (Dept. Statistics, March 1989:8; Sept:8), even in Auckland, making this career strategy more difficult. Officials attributed this, and a slight drop in membership numbers by early 1991, to deflation of the economy overall. Some clerical job losses may be attributable to technology at this time in that clerical tasks began increasingly to be written into software used by sales and bank workers, blurring traditional lines between occupations (Austrin 1992). This is difficult to assess, since relative buoyancy in these other female dominated occupational markets is more clearly connected to changes in industry economics flowing from the lifting of monetary and import controls in the mid 1980s (Collins 1989:196).

Clerical work is an important source of fulltime earnings for women. An October 1990 survey of COMPASS membership showed 65% worked 30 hours or more; only 14%

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<sup>1</sup> Union membership figures are not exact because of job turnover and the information gap due to the three monthly basis of listings supplied by employers until the Employment Contracts Act 1991. Officials cited various figures: total membership list numbers, financial members only, or the official required Fulltime Equivalents, usually obtained by dividing revenue by the fulltime membership fee.

worked less than 20 hours. That is, while many members may work hours to match the school day, most work hours to match the standard business day. Clerical work is patterned by business hours and monthly business cycles. Few have been affected by the recent fragmentation and casualisation of employment in other 'women's work' occupations to cover peak times and extended hours of opening.

COMPASS's survey measured what its women organisers already knew about their membership and the relationship between women's home and work lives. Of the sample, a third were under 30, half 30-40 years. A third were single, two thirds married or partnered, 41% had school or pre-school children. Membership reflects women's work/life cycle, with membership numbers peaking in the age groups before and after the childbearing/pre-school years.

In clerical union awards and agreements, parttime and fulltime workers were treated equally. Parttimers could be vulnerable as their need for employment was sometimes taken less seriously.

*"You wouldn't think of cutting a fulltimer's wage by two hours but they cut a parttimers' because it is it is only parttime anyway...their jobs aren't seen as being so valuable."*  
(CWA Staff Official, Aug, 1989)

*"We have always tried to maintain equal rights for parttime and fulltime as well as pro rata money, but they definitely get discriminated against when it comes to redundancies. They are always the first to get picked off. It is easier to trim them and shove things on to fulltimers, squeeze a bit more out of a fulltime job instead."*  
(COMPASS Organiser, Feb. 1991)

However, in the late 1980s employer pressure mounted in negotiations for greater 'flexibility' of clerical hours. In many small offices, women had long been paid a 'salary' without overtime or precise hours, and this was increasing.

*"The push is away from penal rates, clock hours. You are not dedicated, not trying hard enough, don't have the right attitude if you don't stay late and work through your lunch hour."*  
(COMPASS Organiser, Feb. 1991)

In 1989, with arbitration no longer available, the clerical unions were unable to settle their two largest awards for over a year. The point at issue was award clause 13 which protected fulltime clerical jobs by ensuring a fulltime income for all those employed over 30 hours a week. Union officials saw the attack on this clause as a

means of squeezing the hours of fulltime workers, as a first step towards the fragmentation of work already achieved in other women's occupations.

Surprisingly, following eventual settlement of the award without this clause, officials did not attempt to monitor change in members' hours of work. A change by NZCWU in May 1991 to a stepped membership fee system might have allowed such monitoring. For Canterbury, the previous two-stage fee suggested a very slight increase from January 1990 to January 1991 in half-time employment, but a much greater loss of fulltime members attributable to a deflating economy. From May 1991, however, there was a marked increase in members working both under 10 hours and 20-30 hours, thought to indicate the first effects of the Employment Contracts Act on clerical employment.

Clerical work is largely a Pakeha women's occupation, with relatively smaller proportions of the Maori and Pacific Island female labour forces employed in clerical work (Brosnan 1987:92; NACEW 1990:67,71; Larner 1990:25; Dept. Statistics 1991:55). A 1989 attempt to include a question on ethnicity on recruitment forms drew an adverse reaction from members. The best data comes from the 1990 survey conducted by COMPASS, the union with highest Pacific Island and Maori population base. This random sample was 88% Pakeha, 5% Pacific Island and 4% Maori.

Those few Maori women working in a largely Pakeha office environment may choose to de-emphasise their taha Maori, particularly in regions of relatively low Maori population and less radical Maori politics. As a Southland organiser commented:

*"Very few in the membership or, as I say, they don't acknowledge it...In that area we have been more accepting (than up North), we are just all part of one group."*  
(Southland Elected Officer, April 1991)

Northern officials' view of most Pakeha members' attitude was a little more cynical about silence.

*"If you start talking about racism issues, a lot of the membership don't want to know, because they are not racist."* (COMPASS Staff Official, Feb. 1991)

Northern organisers suggested that their Maori members were often more willing to take responsibility at the collective level.



*"They will be the most active, the most reliable...If there are ten people you are meeting with and one Maori woman, she will end up being the delegate...working in groups, that collective thing, it is a very Maori thing."*

(COMPASS Organiser, Feb. 1991)

Individual Maori have held very influential positions in the clerical unions. In the mid-1980s a Maori secretary and two Maori members of the Executive Council of the NZ Clerical Workers Association were a strong link between the groups of women unionists and Maori unionists pushing for representation of women and Maori in trade union structures. Such representative structures were not developed within the clerical unions themselves. Maori members were encouraged by NZCWU to become involved in the NZCTU structures and at the time of study, a clerical union member was prominent on the National Maori Runanga. However, apart from the issue of specific representation in NZCTU structures:

*"None of the clerical unions have been particularly good with their support to Maori or Pacific Island issues...It's starting to evolve now, but I don't think a lot of Maori groups, Pacific Island groups have much faith in the Trade Union movement."*

(COMPASS Organiser, Feb. 1991)

For Northern organisers, issues of race have related less to the membership itself than to the previous secretary, a Maori man with a high media profile through the 1980s as an advocate of Maori Sovereignty.

*"It was dimension of working for the Auckland union, I can tell you, because you had to defend him for his politics all the time. It's a great excuse not to join the union. I would say, do you mean you would deny yourself all these protections just because you don't like Sid Jackson?"*

(COMPASS Organiser, Feb. 1991)

Because of the strongly gendered nature of clerical work, issues of class identity are not clear cut. In party political terms, clerical workers span the spectrum and the clerical unions had always stood back from political party or class identification.

*"I wouldn't dare presume that we should be supporting any party or telling my members to...I would say a good proportion of National supporters."*

(Southland Elected Officer, April 1991)

*"Some clearly identify as workers, others like the idea that they are a cut above the workers on the factory floor."*

(CWA Staff Official, Aug. 1989)

The lack of class consciousness that officials reported among many of their members reflects not only popular understandings of office workers' status but the tendency for

social scientists to define of women's class by reference to their husband or father's occupation. Although initially the feminisation of clerical work provided respectable work for the daughters of the middle classes, it soon also opened up opportunities for girls from working class families (Anderson 1988:8; Nolan 1992:86), calling into question the manual/non-manual distinction to demarcate class (Garnsey 1978:233; Stanworth 1984:164). As white (or pink) collar workers who must dress nicely (NZCWA 1987:23) and work closely with management, clerical workers are often categorised as middle class, despite low wages, lack of job control and the subservience often required of them. Many clerical union members have no workplace contact with clearly working class occupations. Officials reported that clerical workers in industry were often seen as 'the boss's friend' by members of blue collar unions and sometimes did identify with management rather than fellow workers. However, with traditional relativities to core male trades removed in the Labour Relations Act, 1987, general clerical rates slipped almost to the level of the agricultural labourers award, a bare bones award with minimal benefits and conditions. This contradiction between position and consciousness is the target of the strong education strategy pursued by the clerical unions.

*"I always say, okay, you've got the status, but are they paying you for it? The wages are pitiful."*  
(Central CWU Staff Official, Aug. 1991)

*"It's not hard to see clerical workers as an oppressed group, self-oppressed as well...(but) they haven't got a handle, a way into it. They're not able to see themselves as part of a union because they still see unions as male, they are not working class because they work alongside the boss."*  
(NZCWU Organiser, Oct. 1990)

Working in a sole charge position or with only one or two other clerical workers gives a clerical worker little chance to share problems and develop collective ways of understanding her situation. This reinforces the ideology of individualism in the dominant Pakeha liberal culture. Officials reported that members often saw union membership as protective insurance rather than as a basis for collective action.

*"They just see themselves as individuals and struggling away with a nice or a nasty boss....I've got a nice boss so I don't need to join. I've got a nasty boss so I'd better join, but better not tell him and I don't want the union to turn up...but just in case he does something to me, then they'll get him. There's not the solidarity feeling and that is what we are trying to change."*  
(NZCWU Organiser, Oct. 1990)

## **Unionism: Compulsory or Voluntary?**

Despite the historic importance of compulsory unionism in the formation of viable clerical unions, members' attitudes towards it have varied. Some actively opposed compulsory unionism but union ballots always showed majority support. From the late 1970s the clerical unions were at the centre of political manoeuvring around the issue. In 1990, membership ballots confirmed unqualified preference clauses in all clerical union documents except that for legal officers. The 1987 legislation obliged clerical workers to join the union within two weeks of being actually asked by a union official, rather by their employer on engagement, as formerly. For a union organising an extremely scattered and mobile workforce, however, this shift in the onus for recruitment made an important difference to union penetration of the workforce.

The clerical unions had two experiences of voluntary unionism. From November 1978 until March 1979 the unqualified preference clauses in two main awards were lost, as a result of preelection political opportunism by National. In the late 1970s industrial action to achieve redundancy agreements in key industries attracted adverse publicity. Over the 1970s more organisers were employed to provide a better field service, but industrial work on equal pay, new technology and redundancies also took up increasing amounts of officials' time (Moynihan 1986:85). In Northern's region in 1978, membership dissatisfaction focused on increased fees, lack of accounting information and inadequate servicing (fees were increased to improve this), but a small group also objected to the unions' endorsement of the Working Women's Charter with its support for abortion. A disgruntled group of members from the Waikato were inspired by the 'Strike Free' movement to organise a large open meeting in the Auckland Town Hall. This called for a special meeting of the membership which voted for a \$10 refund of fees, consultation with members on fee setting, and a full ballot on the unqualified preference clause (Moynihan 1986:89-90).

Under a 1976 amendment to the Industrial Relations Act, a ballot could be called for by the Minister of Labour and carried out by the Register of Unions from membership lists to be provided by the union. The Minister of Labour gave notice of this intention, and passed legislation to remove unqualified preference clauses from awards by Order

in Council if lists were not received within two months, and for membership ballots of all unions within three years. A proposal by the clerical unions to waive a ministerial postal ballot in favour of ballots at 42 stopwork meetings around the country was turned down by Cabinet. Approval for an Order in Council making clerical unions voluntary was given while the last lists from Auckland were on the plane to Wellington. All this occurred with full publicity in the run up to National's reelection in 1978. Voluntary unionism had historically been part of National's platform, despite past pragmatism when in office (Moynihan 1986:39).

The election over, postal ballots of the NZ Clerical Award (the general award) and Licensed Hotel Clerical Award were conducted by the Registrar of Unions while the clerical unions launched a campaign and a round of stopwork meetings around their award settlement. A 1976 survey of members commissioned by the Clerical Workers Association had indicated that 68% would vote for union membership to be voluntary, with higher support from women members and from Aucklanders (Moynihan 1986:92). In the 1979 ballot the unqualified preference clause in the general award was supported, in Auckland by 56%, Wellington 57%, Canterbury 66%, Otago 70% and Southland 72%. This reflected the importance outside the major cities of the North Island of award minimum rates to the wages actually paid. Among members covered by the Licensed Hotels Clerical Award support for a qualified preference clause was considerably higher, and in later ballots of members covered by the remaining documents, support was three to one (Moynihan 1986:94). These results reflect the varying relevance of award rates in regional markets for clerical labour and, as discussed in the next section, differences in the logistics of servicing groups of membership covered by the various awards and agreements.

These events had profound effects on the unions' strategies with regard to members from the end of the 1970s, particularly in Auckland. A series of regional daytime stopwork meetings replaced the twice annually Auckland evening meetings; organiser numbers were increased; the secretary was replaced by the industrial manager and the appointment confirmed by membership vote; changes on the executive gave it a younger and more varied composition; and the membership voted for a \$10 fee increase as the union was sinking into debt. In all the regions, more organisers began

to be hired, who organised more membership meetings and began routine worksite visiting. This contrasted with a previous focus on centralised negotiations, with officials giving little attention to members or workplace problems.

In more general terms, opposition to compulsory unionism in the 1970s among the members of one of the unions most reliant on the package of state supports to unionism led to new strategies in the 1980s. The 1976 survey had shown lower support for unionism among women members and in areas where higher paying local markets for clerical work had develop, making the award less relevant. From this officials recognised the need to educate members about unionism and the labour relations system among members, and that, in particular, unionism had to be made more relevant to the clerical union's majority of women members.

In February 1984 National's Industrial Law Reform Act banned unqualified preference and union fee deduction clauses in award documents and removed officials' right of entry to workplaces. This period of voluntary unionism lasted 16 months, as the Labour Government did not pass amending legislation until July 1985, a year after its election.

Because of the scattered nature of the clerical workforce, the clerical unions were hardest hit. From 48,941 members in December 1983 the Clerical Workers Associations' total membership dropped to 37,514 in December 1984 (Dept. Labour 1984), through resignations, lapse of financial membership and job turnover. The impact varied regionally, with the greatest loss, over 45%, in the Northern region, where award minimums were of least relevance and where the late 1970s campaign against compulsory unionism had been strongest. Though Wellington's membership dropped 4%, Canterbury lost no members in 1984; by December 1985 both showed increases over their 1983 membership, although Wellington dropped 2000 members the following year. However, Northern's membership was still down 26% in December 1985 (Harbridge & Webber 1987). The difficulty was at the point of recruitment, in a highly mobile workforce. Of 1200 Northern members approached between February and May 1984, only 119 joined.

*"They didn't want to join the union and had been dying for the day when they could leave it."*  
(Central CWU Elected Officer, Nov. 1990)

Labour's 1985 legislation restored unqualified preference clauses in awards, but ballots of the membership were required to ensure their continuation. The clerical unions were the first to conduct their ballots in October 1985. Given 16 months of voluntary unionism and the three monthly basis of employee listings, the membership would not have contained many reluctant members at this point. About quarter of the membership voted at 112 meetings, with 80% support for the compulsory membership clause. The Northern Legal Employees award, acquired in 1987 through amalgamation and covering lawyers as well as clerical workers, was one of the very few in the country to become voluntary after a ballot of members.

This high support for the clause - or low opposition - can be attributed to long debate on the issue and to the effect of voluntary unionism on unions within the framework of national awards. Ballots were not only a demonstration of support for compulsory unionism but a vote by committed union members against 'free riders'. As discussed in Chapter 4, the blanket coverage of awards protected the labour market for clerical work to the benefit of all, but under voluntary unionism awards would continue protect those who no longer contributed to union costs.

This aspect was important to the clerical unions and other unions covering scattered, mobile workforces because of the gap between award coverage and union membership, particularly since the legal requirement to join now followed a personal request by a union official rather than the fact of employment, as formerly. This change in the form of compulsory unionism meant the logistics of the clerical workforce began to affect union penetration. In addition the award rate was slipping against inflation and core trade rates, even before occupational relativities were abolished by the 1987 Act. Members were 'oozing out' above an exemption rate set too low for local markets in Wellington and Auckland. These factors combined to reduced the Association's membership from an official 45,079 in December 1985 (Dept Labour 1985) to around 35,000 in 1989 when research on this union began.

The 1985 legislation, and the later Labour Relations Act, 1987, put the onus of recruitment firmly onto union officials or new members themselves. Membership was only legally compulsory within 14 days of request by a union official. Three monthly listings from employers and the logistics of the scattered clerical workforce meant a gap between award protection and union membership continued despite the restoration of unqualified preference clauses. Unqualified preference had been voted into the document to which employers were party and legally bound, and union membership was therefore still a condition of employment - although never expressed as such by employers.

*"They are more likely to say, 'We are not a very union place here.' Which means, I might have to put your name on a list but don't you go calling them."*  
(Central CWU Elected Officer, Nov. 1990)

Unions again had right of entry to the workplace, but any cooperation beyond three-monthly employee listings was at the discretion of the employer. Larger clerical employers usually agreed to deduct union fees and include a union recruitment form in their first-day-at-work package. In the 1986 award talks, the clerical unions were offered the option of union fee deduction clause in the general award or paid stopwork meetings. They chose paid stopwork meetings but these were introduced anyway by the Labour Relations Act the following year. Union fee deduction was an important issue for unions with scattered, high turnover memberships. It could contribute to organisational stability (Offe & Wissenthal 1985:216-7) by facilitating fee collection but this advantage was offset by possible vulnerability: employers had been known to discontinue deductions during disputes, to starve unions financially. On the other hand, a employer's willingness to deduct implied an acceptance of unionism and less personal risk to active members.

COMPASS' 1990 survey showed that for 52% of members who responded recruitment had been at the instigation of their employer; only 17% had initiated their own union membership. By February 1991, over half COMPASS' employers were deducting fees. Of those with four or more clerical workers covered - offices visited regularly by organisers - more than two-thirds deducted fees; of those with 1-3 clerical members two-thirds did not. These members paid on monthly, quarterly, six monthly or annual

invoice. About 10% of members preferred their union membership to be kept confidential from their employer.

The 1984-5 period of voluntary unionism drew a number of responses from the clerical unions. More organisers were employed, schedules were developed for regular visits and recruiting all worksites with four or more clerical workers. While awards gave blanket coverage of all clerical employees, the clerical unions' tried to limit services and help to members only and to enforce the legal requirement to join once requested, threatening and occasionally taking court action. Putting pressure on potential members was not a part of the job that organisers were comfortable with or felt was productive for unionism.

*"People hate things being compulsory, it would be better to have it voluntary and fight to get members...when you balance the cost of chasing people up against what we are getting".* (NZCWU Organiser, Oct. 1990)

*"We have said here, we would prefer voluntary, people who want to be members. I think voluntary unionism would work if what the union managed to negotiate only went to the members."* (Southland Elected Officer, April 1991)

This ambivalence towards enforcing compulsory unionism was expressed by officials who nonetheless recognised its historical and continuing importance in organising clerical workers. However, support for compulsory unionism as a strategy was waning in union movement as a whole, as unions with more readily organised workforces advocated a more active unionism and as the National Party used a focus on compulsory unionism to foster anti-union attitudes to its political advantage.

In fact, the clerical unions already had voluntary members. Clerical workers earning above the exemption rate in awards had the right join the union voluntarily. In 1990 COMPASS, the region experiencing the greatest gap between award rates and local market rates, had over 1000 voluntary members. Some preferred to keep this voluntary membership confidential from their employer, lest it sour relations with employers. In Southland:

*"One of our executive members, her employer actually suggested to her that it might be a good idea if she wasn't a member of the union, since they were paying her \$200 a year above the award."*

(Southland Elected Officer, April 1991)



COMPASS' membership survey was conducted just before the 1990 election which Labour was expected to lose. A return to voluntary unionism was highly likely, but the extent of change under the Employment Contracts not yet known. COMPASS covered the Northern region in which the clerical awards had least relevance because of the low exemption rate and high rates obtainable in the Auckland market for clerical work. Compulsory unionism was given by 72% of respondents as the reason they joined the union, yet 69% gave protection of job as their current reason for belonging. Compulsory membership was favoured by 51% and only 13% wanted it voluntary; a third opted for a neutral 'don't know/not sure'. More than half said they were quite likely or very likely to retain membership if it were voluntary. Those least likely to remain members were under 20, parttime, on slightly lower income, would prefer a no-fee-user-pays system, were National supporters and/or came from Tauranga.

The survey also asked about preference for occupational or industry unionism. Forty-seven percent of members wanted a separate occupational union; only 14% would opt for an industry based union. Non-members - likely to be less sympathetic to unionism - were even more strongly in favour; 54% would prefer an occupational rather than industry based organisation. In the experience of organisers, while a few politically conservative clerical workers are anti-union, for many members reluctance to join is more for material than ideological reasons.

*"The way people are introduced to being a member of the union is usually that there is this union bill."*  
(Central CWU Elected Officer, Nov. 1990)

*"It's a money thing really, they just don't want to part out...Some say they don't see the benefits, but there is an awful lot of people come to us who have avoided membership but when they have been dismissed they can find the union really quickly."*  
(NZCWU Organiser, Oct. 1990)

Under the Labour Relations Act, personal grievance procedures could only be accessed through unions, and cases could be challenged if membership was dubious. It was also against unions' interests to take up cases for non-members, unless the case happened to have wider legal relevance for the membership.

*"We get a lot of people saying, look, I've been fired, can I join?...It's like trying to say to an insurance company, I've pranged my car, will you insure me?"*  
(COMPASS Organiser, Feb. 1991)

*"We are selling the union membership on the benefits. It's like an insurance - we cannot assist you if you are not a member. In fact the award means nothing without membership, while it still covers you, who is going to police it?"*

(NZCWU Organiser, Oct. 1990)

Given the unpopularity of compulsion and the isolation and conservatism of many members, a 'unionism as insurance' approach to recruitment was often more attractive to new members than a 'union solidarity' approach. For these reasons, and with voluntary unionism likely to eventuate under a future government of either Party, in 1990 the clerical unions began - in varying degree - to strategise about how best to 'market services' to members.

The issue of compulsory or voluntary union membership presented the clerical unions with a dilemma. It was the introduction of compulsory membership that supported the unionisation of clerical workers in 1936. Even fifty years later, compulsory membership gave union officials the right to negotiate protections across the whole of the clerical labour market, not just its well organised or union-conscious sections. Ballots in favour of compulsory membership showed that the active membership recognised its importance, and the need for all those who benefit from union negotiations to share the costs through membership. At the level of the individual too, compulsion by law depersonalises union membership which can itself be seen as confrontational in the close relations of small offices.

*"It's always presented to us as 'we are all one big happy family'. Just like any big happy family, the dynamics are really quite peculiar."* (Roth 1986:45)

It was not uncommon for clerical workers to contact the union and ask an organiser to 'accidentally' drop by and 'make' them join. Since unions had the right to inspect employers' wage and time books, routine - or ostensibly routine - visits could uncover under-payments and other infringements of the award.

*"When unionism became compulsory again, a lot of people - they used to before and they still do now - asked us to come and visit them and tell them to join."*

(NZCWU Organiser, Oct. 1990)

*"Just happen to be in the area, just happen to pop in, just happen to take up a problem that just happens to be happening"*(NZCWU Organiser, Oct. 1990)

On the other hand, the aspect of compulsion alienated many from unionism, while making the union responsible for and to a proportion of reluctant and conservative members. It did, however, bring the political weight of large membership numbers behind the strategies of the clerical unions' leaders. This was as relevant to the feminist strategies of the 1980s, as to those of 1951, when clerical union votes were used in the Federation of Labour to back the arbitration system and the government against the watersiders (Scott 1952:51).

No simple equation should be made, however, between union passivity and political conservatism. Historically, conservative members in the clerical unions have shown themselves very capable of activism and organisation. At the time of the 'Strike Free' campaign the group of members who became active on the issue of fees and compulsory union membership were conservative in party political terms and included Catholics actively opposed to abortion, which was an item in the Working Women's Charter promoted by the clerical workers unions. Their activism, described earlier, caused the unions severe difficulties, although in the long term it contributed to Northern's improved democracy and membership servicing. A few members opposed the endorsement of the Working Women's Charter with its clause supporting abortion. Some Pakeha women members expressed strong disapproval of Maori Nationalist activism by a clerical secretary. On long-standing and publicly debated issues, passive membership behaviour must be taken as tacit support for leadership positions, despite concerns about low participation or methods of balloting. Given the many barriers to women's union involvement (Beale 1982; Griffin & Benson 1984, 1989), relatively low levels of membership activism cannot be read as conservatism on widely publicised women's issues, although forms of compulsory unionism did contribute to the large membership numbers that gave women officials' initiatives their political weight.

If compulsory unionism was not an unalloyed blessing for unions, nor was voluntary unionism entirely unproblematic for employers. The organisation of wage levels through awards with blanket coverage was part of the corporatist package of order and stability. It meant that the outcomes of collective bargaining and arbitration regulated the whole workforce, not just union members (Strinati 1991:240). When

National politicians presented the bill proposing voluntary unionism at an Employers Federation seminar in 1983, they met unexpected hostility from a number of large companies. These employers saw it as a time-wasting disruption to harmonious labour relations, imposed upon them by the state for reasons of political expediency (Brosnan 1983:2). By the late 1980s, however, employer opinion appeared to be more united behind the views expressed in NZ Business Roundtable publications (NZBRT 1987, 1988b, 1989; Brook 1989, 1990a) which favoured sidestepping unions to individualise the relation between employer and employee, though enterprise contracts and a choice of bargaining agent.

Through the 1980s, ideological shifts in Labour's thinking, the preference of powerful industrial unions for a more militant, less state controlled unionism and the clerical unions' own difficulties and ambivalence on the subject, meant that clerical union officials were not expecting, nor lobbying for, a continuation of compulsory unionism much beyond the 1990 election under either government. Like other unions for industrially weak occupations, they were, however, braced for its loss to have considerable impact on their organisation's size and resources.

### **Negotiating with Employers**

The labour market for clerical work spans industries and economic sectors. In 1987 when the NZCTU first proposed restructuring union coverage and bargaining by industry rather than by occupation, the NZ Clerical Workers Association commissioned research in key regional areas on the distribution of members by one digit NZ Standard Industrial Classifications. Twenty percent were in manufacturing; 24% in wholesale/retail/hotels; 21% in finance; 25% in local government.

In award negotiations the very large numbers of firms employing clerical workers were represented by the NZ Employers Federation, with representatives of largest employers present at the negotiating table. Because of the cross-industry nature of clerical work, several of these large employers also negotiated major awards for other low paid female occupations, in retailing and hotel and restaurant work which also

employed large numbers of clerical workers. From the mid-1980s they had been pushing for increased flexibility in hours of work and casual employment.

Considerable flexibility of reward and flexibility of movement between industries was already available under the clerical awards. Negotiations set minimum wage rates and conditions across the whole labour market for clerical work, without, in fact, limiting the development of higher local market rates or higher individual reward. After direct bargaining was allowed in 1973, the clerical unions began to negotiate more industry and enterprise documents, as well as a rash of small one-off second tier agreements before 1987.

Employer organisations argued for industry or enterprise negotiations on the grounds that they allowed more flexibility than broad based awards. This argument is somewhat unconvincing in the case of clerical awards providing the barest market minimums. Industry documents for clerical workers have been more closely tailored to the needs of a particular industry or firm and its employees, and might reasonably be considered to offer less flexibility to employers than the broad market protections of the general awards, which employers might or might not supplement with local market rates or other informal arrangements.

The clerical unions' original award and most important document was the **NZ Clerical Award**, covering 27,000 clerical workers (Coleman 1989:3). Despite industry and enterprise agreements negotiated over the 1980s, 60% of the clerical unions' membership were covered by this award in 1990. Like most private sector documents, and state sector awards since 1988, rates and conditions were stated minimums. The clerical unions' position was that it should give a fair remuneration and a living wage. Large urban-based employers dominating negotiations argued that it should be a minimum any small rural business could afford and refused to negotiate a rate closer to their own market reality.

*"Because that (award minimum rate) is the only legal obligation, they can then pay \$50 a week to someone for having blue eyes, or being a good girl, or shutting up about organising against the boss...(whatever) the boss calls good work performance."*  
(Northern Staff Official, Roth 1986:50)

In 1986 this general award was estimated to give blanket coverage to 30,000 clerical workers, 90% of them women (NZCWA 1986:1). Until the Labour Government revised the Minimum Wage Act to a realistic level, this award had set a minimum below which payment of clerical workers could not fall, whether or not they were union members. Of the clerical unions' documents, this was the one with the greatest gap between actual and 'potential' members, estimated at around 50% of all clerical workers covered by the award. The award protected those scattered or casualised clerical workers who were least likely to be unionised. Whether or not employers were directly involved in the negotiations, were members of the Employers Federation, or were even in business at the time, they were legally considered parties to the award if they engaged employees in the described clerical categories.

The NZ Clerical Award was a bare bones document. It set rates for five grades of described clerical work, with service increments and youth rates for those aged under 20. Grade three was regarded as the standard rate. A 'slave' clause set work hours as those normal to the industry or otherwise a standard 37-1/2 hours. It set overtime rates, confirmed public holidays and the Holidays Act, long service holidays after 15 years, 5 days cumulative sick or domestic leave, ensured that travel expenses incurred for work were reimbursed, and laid out personal grievance definitions and rights to stopwork meetings as in the Labour Relations Act 1987.

The only 'frill' in a very plain document was Clause 13: Casual Workers and Part-time Workers. This gave a 20% loading for casual employment of less than one week. It ensured pro rata rates for part-time workers and it entitled any clerical worker employed more than 30 hours to be paid a fulltime wage, unless she had made written statement on appointment that she was unavailable for fulltime work. This clause was designed to protect the fulltime jobs of the majority of clerical workers from the increasingly parttime employment and casualisation occurring in other female dominated occupations. It was intended to discourage employers from cutting costs and clerical workers' earnings by squeezing hours and raising 'productivity' by intensifying workloads.

It was this clause that came under employer attack in the 1989 award round, leading to a 'Project 13' campaign and industrial action by clerical workers. Without recourse to arbitration, it was 14 months before the award was settled at 4% and the loss of clause 13 for new employees. Two months later the 1990 award was settled with comparative ease at 4.5% and agreement to the possibility of a working week comprising four 10-hour days. In December 1991 the award was renewed at 2% and the reduction of the casual loading from 20% to 10%. This was the last wage round under the Labour Relations Act 1987 and ensured that the award continued until February 1992, nine months after Employment Contracts Act became law. It was already clear in December 1991 that employers would not continue to negotiate collectively under the new law.

By 1990 NZCWU was involved in negotiating 55 documents with employers; Northern also had over 50 and Southern around 40. For historical reasons, not all clerical documents were national, nor private sector. The largest are discussed below in approximate order of their importance in the total membership, to convey briefly the situation of each prior to the ECA.

**The NZ Educational Authorities Clerical Award** was the second largest national clerical document. Coverage of school secretaries and clerical workers in other educational institutions appear historically to have come under coverage of the clerical unions because of the professional or class perceptions of educational and state unions. The first award for primary schools was granted by the Arbitration Court in 1969 with secondary schools and technical institutes included in 1972. University clerical staff were covered by the clerical unions until 1983 when they were recognised as state servants. Clerical unions covered school secretaries but not high school principal secretaries or executive officers who are with the PSA.

*"I was there right from the beginning, the rate of wages was appalling...With the help of the union we had to go the Arbitration Court to even get acknowledgement that we existed."* (Southland Elected Officer, April 1991)

Although united by their state employer, school secretaries are a fragmented workforce. Most work parttime, and are not employed during school holidays. As stable employees, averaging eight and a half years in the job, they become supportive

union members, with a high degree of self-organisation and involvement in the preparation of their award claims. One official, who had come to office through long union involvement as a school secretary, considered that their industrial weakness was not organisational, but their loyalty and dedication to their schools.

In the early 1970s its members were against taking industrial action, since the Arbitration Court recognised linkage between this award and state salary levels. Efforts focused on improving conditions. In 1987 this was the first clerical award for which tangihanga leave was achieved. However, after 1988 with changes in both state negotiating and in education policy, members' attitudes on industrial action changed, and they were active in demonstrations against the Employment Contracts Bill.

Labour's 'Tomorrow's Schools' policy made individual Boards of Trustees the day-to-day employers of school secretaries, paying wages from their Operations Grant, but award negotiation remained centralised. From 1989 the award for school secretaries was negotiated on a composite basis with the teachers' unions. In the last wage round under the Labour Relations Act, for the first time the State Services Commission, not the Education Department, was the negotiator. Settlement was reached only with final offer arbitration.

*"They were not aware of the work that school secretaries do, they haven't any conception...they are the linchpin of the whole establishment, the school could fall apart without them, because they know everything."*

(Southland Elected Officer, April 1991)

'Tomorrow's Schools' greatly intensified the secretary's workload, with increased parent contact and a role in 'selling' the school. Servicing the Board of Trustees meant more correspondence, more report writing and meeting preparation. Boards became responsible for school finances, with monthly accounts, purchasing and payments often done by secretaries, who had to establish new computer systems. Financial work flowed into unpaid hours during school holidays. Since secretaries' wages were paid from the school's Operations Grant - that is, bulk funded - extra hours or extra clerical assistance competed with books, cleaning and toilet paper.

*"Schools secretaries customarily do hours and hours of unpaid work, though we suggest to them that that is hiding the problem."*

(NZCWU Organiser, Oct. 1990)



In 1990 NZCWU researched members' workload intensification, presenting a report to the Principals' Taskforce responsible for implementing **Tomorrow's Schools**. NZCWU recommended that primary schools secretaries be paid during school holidays; comparable wages rates to secondary school secretaries; and a move from operational bulk funding to separate salaries funding.

*"All our consultations have reinforced the union's belief that the 'fairy at the bottom of the garden' approach to school administration must be abandoned. This is the approach of concentrating on how to deal with things without thinking about who can and will deal with them."* (NZCWU 1990a:1)

As Trustbanks spread through the South and North Islands, the **Trustee Savings Bank Clerical Award** has developed in importance. Most of the finance sector boom of the 1980s has been in trading banks and insurance companies historically excluded from clerical union coverage and organised along 'industry' lines by unions now amalgamated into FINSEC. Coverage of local savings banks and building societies was acquired by clerical unions because they were not initially regarded as real banks. As ownership of some of these was acquired by trading banks, however, registered areas of union coverage became less clear cut. In 1989-90 FINSEC contested the legality of COMPASS' coverage of ASB staff before the Labour Court. Taking advantage of this discord between unions, the ASB did not renewing its document with either, and staff were effectively deunionised. Once the Employment Contracts Act was passed, staff were placed on individual contracts.

In 1991 the Trustbank award contained an exemption rate of \$28,568 to distinguish clerical staff from bankers or accountants, a distinction increasingly blurred by rapid technological change (Austrin 1992). In the 1991 wage round, Saturday shifts were agreed to, at reasonable penal rates and with the right to decline to work. In exchange an increase from 5 to 10 days sick leave was gained.

The Trustbanks are a large, stable, well organised membership group which officials expected would provide a stable base to carry the clerical unions through the transition to voluntary unionism. Worksites are well organised with established delegate structures and regular meetings of delegates from different branches.

Organisers visit regularly and employers are generally cooperative. The last NZCWU President was a Christchurch Trustbank employee.

**Law practitioners offices** were covered by three regional awards, New Zealand, Taranaki and Northern, covering all positions from basic clerical to legal executive. The Northern Legal Employees award included lawyers and was registered as a separate union until the Labour Relations Act, 1987 stipulated a minimum membership of 1000. Following amalgamation with Northern Clerical, this award was one of the very few in the country to be made voluntary after a ballot of the members under the Labour Relations Act.

*"Supposedly a potential membership of 3000, but we never had more than 900. After the vote we still had over 700, it was quite funny. They would say at meetings, I will stay, I just resent being forced to be a member. The ones that pulled out tended to be the lawyers."* (COMPASS Staff Official, Feb. 1991)

**Air New Zealand** clerical staff, based mainly in Auckland, Wellington and Christchurch, were first covered by a national award in 1968 containing equal pay provisions. An Clerical Workers Association decision not to take industrial action proposed by Auckland Air New Zealand staff, but insufficiently supported by staff in other regions, was one factor in ending the Association in 1989. Following part-ownership by Brierley's, agreement to consult unions before staff changes or redundancies was repeatedly ignored. In March 1991 Air New Zealand attempted to extend the hours of work and reduce fulltime positions. However, members understand their industry and the extent of flexibility that the company would want in future. Delegates also understand the effects of such changes in conditions in already casualised industries such as retailing, hotels and restaurants and how this might apply to Air New Zealand clerical staff after the ECA. In April Air New Zealand clerical workers used the industrial strength their strategic position in the infrastructure gives them to renew their award without clawbacks.

*"Air NZ people have been battered fairly heavily over the last 12 months so they do appreciate the union. There was a time a few years ago when I don't think any of them would have signed up with us."*

(COMPASS Staff Official, Feb. 1991)

There was also a smaller award with **Ansett**, with whom Air New Zealand is now in competition. Ansett successfully headhunted many of its staff from Air New Zealand on establishing itself in New Zealand.

Until two years ago, the clerical unions' second largest award was for clerical workers in **licensed hotels**, ranging from large tourist hotel chains to small pubs and clubs without accommodation. Non-licensed hotels had a separate award. In 1989 the clerical unions were unable to settle this and the NZ Clerical Award for over a year. The Hotel & Hospital Worker's Union was similarly unable to settle its Licensed Hotels and Tearooms & Restaurants awards. The same major employers were pushing for clawbacks on conditions, particularly hours of work, and testing their new strength under the Labour Relations Act 1987, which had removed unions' access to arbitration on disputes of interest. In the eventual settlement, both unions' hotel coverage was split up and renegotiated with separate employer groups: for licensed premises, for major accommodation hotels and an voluntary enterprise agreement with Hancocks (brewery owned hotels and restaurants). In the 1990 round the Hancocks agreement included the option of a 4-day week of 10 hours per day, which the company reports was being taken up by a significant number of employees.

The South Island clerical unions have some coverage of **local government** employees, who in the North Island are entirely covered by the Northern Association of Local Government Officers (NALGO). Coverage of ranks, regions or particular local authority was shared out for long forgotten historical reasons between the clerical unions and the Southern Local Government Officers Union. As in the state sector before 1988, the Southland and Otago unions covered all clerical and administration staff up to top ranks such as the Borough Engineer or Town Clerk, making union membership safe and labour relations generally amicable. In Canterbury only the lower ranks were covered, with higher ranks covered by SLGOU. There were regional clerical awards for District Councils, Regional Councils, Power Boards, and Hospital Boards; local awards for the Christchurch and Timaru City Council, and the Christchurch Transport Board. By 1991 the names of some documents were not keeping up with local government restructuring.

The **Totalisator Agency Board** has historically been a large employer of clerical workers. A separate award was first negotiated in 1952, and now covers a medium sized industrial group reduced through technology advances in office machinery and computerised betting. Because of the sporadic nature of horse races and betting, once computerisation speeded its clerical process, job losses and increased casualisation were impossible to halt. The unions' aim has been to keep the scattered, largely casual workforce unionised and protected in the work they do. In 1989 this was one of the clerical awards that remained unsettled.

The **Medical Practitioners** have had a separate award for medical receptionists since 1970. It is negotiated by the NZ Medical Association on behalf of the GPs or group practice employers. Medical receptionists are usually sole charge workers in close office relations that can be extremely difficult. NZCWU surveyed 1,500 receptionists for details of their work in preparing a pay equity claim in 1990. Undervalued human relations skills are important in this job, and 'flexibility' already covers everything from urine testing to 'cleaning the fish tank'.

In 1989 while the NZ Clerical Award remained unsettled, doctors too balked on the settlement of this award for some time, as did **veterinary surgeons**.

The clerical unions representation of both clerical workers and organisers who work for other **trade unions** has particular importance for Wellington where many unions have national offices.

Two national documents covered private sector telephonists, the **Answer Services Holdings Agreement** and the **Taxi-Telephonists Award**. The clerical unions were allowing a small award for **car rental firms** to lapse after three years' non-renewal because its negotiated rates had fallen below the NZ Clerical Award. However, this was hastily renewed in December 1990 when it was recognised that the NZ Clerical Award would be endangered by the Employment Contracts Act.

*"The employers have now turned up saying they want an agreement and see no difficulty with going the Grade III rate - it has to do with undercutting."*

(COMPASS Staff Official, Feb. 1991)

Under the Labour Relations Act, 1987, the number of composite documents being negotiated in partnership with other unions increased, as did enterprise specific agreements. Some of these were for quite small community organisations such as Women's Refuge, CORSO, the Workers Education Assn. Industry and enterprise based negotiation by the clerical unions was already increasing before the fragmentation of occupational awards into single employer contracts under the Employment Contracts Act, 1991.

Before the Employment Contract Act became law, the clerical unions' main awards were renewed, with a 2% wage increase and a reduction in the loading for casual work. So too were its industry based documents. Both employers and unions waited to see the detail of the final Act, and to let others take the lead in the new negotiating environment. Because of the proportion of the membership covered by the largest awards which, as was already known, employers would not choose to renegotiate as multi-employer contracts, real difficulties for the clerical unions could be expected from around February 1992 as documents expired.

### **Differing Views among Clerical Employers**

Although the Labour Relations Act guaranteed union access to members and to wage and time books, in practice access depended on maintaining smooth relations with employers on hundreds of worksites. Organisers spoke of rude and arrogant behaviour by some employers to members and organisers.

*"The door was flung open, and I mean flung, 'Ten minutes is up!', and they all go, not even a goodbye. I said, hey, sit back down, how can you let him treat you like that?"*  
(NZCWU Staff Official, Oct. 1990)

In 1990 NZCWU visited employers with a view to ensuring access and cooperation after voluntary unionism.

*"We don't have industrial muscle, and members don't identify with it, so we have to use other means, more cooperative... You need that basic understanding that the interests of employers and employees are in conflict, but you don't have to use it all the time. On the other hand, you can't get too close to employers, can't lose touch with members' interests."*  
(NZCWU Elected Officer, Oct. 1990)

Government restructuring and redundancies in the mid-1980s greatly reduced the Labour Department's capacity to inspect and enforce conditions. This, coupled with a greater interest in recruiting and servicing members, increased the clerical unions' policing role. From the early 1980s, redundancies became an enlarged area of industrial work. As industries contracted, four or five clerical workers would be among each major group of workers laid off. Some clerical union members in large industrial plants or in local bodies were covered by redundancy agreements. However, most clerical documents, like most other awards, provided no compensation payments for satisfactory employees made redundant. Clerical workers were also affected by increasing numbers of small business bankruptcies. Officials' representation of members involved resisting or reducing the layoffs where possible, ensuring full payment of wages and holiday pay and getting what extra compensation they could.

Infringements of award rates and conditions have always been a major part of organisers' workloads. In the year to March 1990, most of the Central union's case work related to wages, conditions or dismissals, with twice as many unjustified dismissals as in 1989. An officer was specifically employed to inspect wages and hours books, and to recruit new employees paid below the exemption rate. It was estimated that three extra recruitments a week would pay for this position. In the year to March 1990 \$1,400,000 was recovered for members in under-payments, regradings, settlements, redundancies, and compensation for unjustified dismissals. In the year to March 1988 more than \$4 million had been recovered by the combined unions of the Clerical Workers Association, compared with \$250,000 for 1978, the first year recoveries were recorded.

Court enforcement of registered awards gave clerical unions the means to redress these infringements of award rights. The clerical unions had lobbied for sexual harassment and discrimination to be added to unjustified dismissal and duress about union membership as grounds for personal grievance in the 1987 Act. Since personal grievance procedures were accessed through unions, this increased the attraction of membership for clerical workers, both covered by and exempted from awards. Most award infringements and minor grievances were sorted out by organisers, however, without recourse to mediation or the Court. To some degree, this relied on the

establishment of a reputation with employers for legal expertise. This was a strategy which the clerical unions, particularly Christchurch, developed as an alternative to industrial strength.

*"Employers appreciate that we can and will take things to the Court, that we don't do it lightly and when we do we generally win. We are capable of doing it and it will cost them...We were the union that all the other unions came to and said how do you do this in court...We knew our stuff."*

(NZCWU Organiser, Oct. 1990)

In the year preceding the Employment Contracts Act, NZCWU researched the attitudes of employers of clerical workers to labour relations reform, and found clear differences between the views of large, medium sized and small companies (NZCWU 1990b, 1991a).

The survey showed that some large clerical employers were NZ Business Roundtable members but were not necessarily united behind the Business Roundtable's philosophy. They enthusiastically supported replacement of 'restrictive' work practices with 'flexibility'. Despite public neutrality, they tended to be against unions and for labour market reform. However, the forms of bargaining they favoured covered a wide range. While they were divided over the extent of change, they agreed that change should be gradual.

The survey showed that medium sized clerical employers were active in NZ Employers Federation, but disliked the influence and free market ideology of the Business Roundtable. They were less dedicated to 'flexibility' and opposed wage cutting as a solution to economic depression. They recognised the need for unions and tended to be covered by national awards. One employer in a very competitive industry said awards allowed them to control one important area of costs. Another said:

*"Why get rid of a system which has delivered wage increases at half the rate of inflation for the last three years?"*

(NZCWU 1991a:3)

To supplement the market minimums of the award, they preferred their own informal in-house arrangement to formal enterprise agreements:

*We already have a house agreement here but we (senior management) decide it!*

(NZCWU 1990b:1)

Small companies were shown by the survey to be inactive in the Employers Federation but supportive of it. These employers were usually covered by the main clerical awards and considered flexible work practices and enterprise agreements undesirable or dangerous in practice. They were natural or positive towards union and did not regard them, or bargaining reform, as an important factor in running their businesses.

The survey showed general support for phasing out national occupational awards but little for rapid and radical deregulation. Awards were recognised as cost effective for employers and, as one employer pointed out, had delivered wage increases at half the rate of inflation over the past three years. Another suggested that there were better ways of making profits than screwing wages down, which did not help keep good staff. The overall view on bargaining reform was that formal enterprise and workplace agreements were appropriate for big employers but not for the majority of New Zealand firms which were medium sized or small (NZCWU 1990b, 1991a).

This analysis matches that of McAndrew & Hursthouse (1990, 1991) on southern employers, which refuted employers' associations' claims that unions and the award system placed significant constraints on small and medium sized firms, or that they were demanding labour relations reforms.

Regional business differences mean different employer attitudes. In the south, while recession has affected business with redundancies and bankruptcies, many old paternal firms remain. In Invercargill business changes are more likely to be bankruptcies than new enterprises. This contrasts with the boom and bust of Wellington and Auckland. This is reflected in regional differences in annual membership turnover: 50% in Auckland as opposed to a guesstimate of 30% in Christchurch.

*"Our membership is in so many small businesses, I think something like 30% are going to the wall every year."* (COMPASS Staff Official, Feb. 1991)

Auckland has also been the centre of acquisitions, mergers and rationalisations, to the point where members may be uncertain of current ownership. Following exchange deregulation in 1984 and developing Closer Economic Relations with Australia, many of Auckland head offices are in reality branch offices.



*"Chop up and redistribute and chop and sell a bit off, relocate, add that on, you can't keep up with it. The amount of decisions that are made outside the country, even the local management are fairly powerless."*

(COMPASS Organiser, Feb. 1991)

Differences in attitude by size of company arose from the ability of large companies to dominate not only labour markets, but product markets. Labour negotiations which cover all employers helped stabilise small businesses by reducing competition on the basis of labour costs. Centralised bargaining reduced personalised conflict in small workplace, and established baselines for informal variation. The transaction costs of industrial negotiations to the individual employer were minimised. This accounted for the preference expressed by many smaller employers for some form of collective multi-employer union-negotiated document. However, large companies dominated the collective strategies pursued by employers' associations (Herbert 1990; Roper 1993b). In the view of the clerical unions:

*"The Employment Contracts Act will create a hell of a competition between employers. They want deregulation (to cut wage rates) but they don't want to have to worry about what the guy in the factory next door is offering, if it is going to draw the labour out of his place and into somewhere else...and the time they spend on negotiations, it means money to them."*

(NZCWU Elected Officer, March 1991)

## **Logistics of Organising**

The 1980s was a period of marked concentration of business ownership but, as discussed in Chapter 3, employment growth has been most marked in small firms, particularly in financial and community services. These are likely to have one or two clerical workers and may have no other unionised workers on site. Real estate agents are an example of this kind of firm. While sizable numbers of clerical workers are employed by large firms, they were more likely to be paid at rates above the exemption rate.

For clerical unions, this meant that the extremely scattered distribution of their members and potential members was little changed by the concentration of capital in New Zealand during the 1980s. The logistical implications of research on membership

distribution conducted in 1989, and shown below, continue to be valid - and extremely important under a regime of enterprise based bargaining.

Members covered by the NZ Clerical Award averaged 2.5 per worksite. A third of members worked with fewer than three other clerical workers; half of these were in sole charge positions. These members were on 80% of the worksites covered by union negotiations, and logistically were unlikely to receive a routine visit from a union organiser. Only a quarter of the membership were on the 3% of worksites with more than 20 clerical workers.

To take a regional example, Auckland has a high concentration of large firms and corporate head offices. Yet in February 1991 3,442 of COMPASS's 7,826 listed employers had fewer than four clerical workers. 35% of its 13,828 paid up members were employed by large firms with 50 or more clerical members. The difficult

NZ Clerical Workers Association: Membership Distribution of Selected Regions, November 1989	
No. Members Per Worksite	Percent of Total Sites
One member only	52
2-4 members	30
5-9 members	11
10-19 members	4
20-49 members	2
More than 50 members	1
No. Members Per Worksite	Percent of Total Members
One member only	13
2-4 members	20
5-9 members	17
10-19 members	13
20-49 members	12
More than 50 members	24

area of coverage was the 20% in offices with 3 or fewer clerical workers and a further 19% of with between 4 and 10.

These are analyses of union members, not potential members who came under the blanket coverage of awards. An analysis of actual and potential members together would show an even more scattered workforce, since the most isolated workers are those least likely to be visited and recruited by union officials. With the above logistics, job turnover, company fluctuations and three monthly returns of employee listings, unionisation of those covered by the main clerical award was estimated at only half of potential. This main award covered 60% of total paid-up clerical union membership: half of these had no members of other unions employed at the same workplace. Clerical members who worked alongside other unionised workers, often in larger companies, were often a minority among employees. For this reason, it should be noted, industry or workplace based bargaining or union organisation was unlikely to provide more effective representation for clerical workers than membership of an occupational union (Hill 1991b).

Given the isolation of many members from other clerical workers, the 'double burden' of many women, and the constraints of their close relations with their employers, it suited many clerical workers, as well as small employers, to have labour relations matters settled at a distance by third parties.

*"A lot of times it is actually said about specific issues, 'Well, I pay you to do that, you go off and represent me.'"* (COMPASS Organiser, Feb. 1991)

However, the lack of involvement by members that usually goes with such a insurance orientation meant that representation by the unions to the employers was seldom supported by the active backing of the large clerical membership. Employers knew this, and it contributed to their relative bargaining strength.

These factors not only placed constraints on industrial action, but on unionism itself. Union membership or 'getting the union in', rather than the particular problem, may be perceived as introducing conflict into the employment relationship. Since clerical work involves working closely with management or employers, smooth relations

become very important. Routine visiting may be less welcomed by members on small worksites where employment relations can become highly personalised.

*"Always women's role to smooth, the least powerful, the ones that make the working relationship possible, even as subordinates...They don't want the conflict and the aggro that close."* (CWA Staff Official, Aug. 1990)

*"They don't want to see you on the job, it embarrasses them. They worry about what the boss will think."* (COMPASS Staff Official, Feb. 1991)

Small worksites and personalised office relations also acted against classic union tactics of workplace organisation through the election of delegates. In the workplaces of larger employers, such as the Trustbanks, airlines, larger retail and manufacturing firms, hospitals and local government offices, clerical delegates were elected and acted as a conduit between union office and members.

*"Ideally each site should have a delegate who is so educated and organised that they can take up the majority of problems that happen on that site, look after people. There'll be a health and safety delegate as well and the two of them work together."* (NZCWU Organiser, Oct. 1990)

This 'ideal' situation was less appropriate for the majority of members. Where there are just two or three clerical workers, an overtly union role can increase vulnerability; delegates lack the power and support of representing larger numbers of workmates. There may be few opportunities to gain experience in union matters. For these reasons, and because of job mobility, the clerical unions had few delegates relative to their size of membership, despite their emphasis on union education from the late 1970s. Another reason was the unwillingness of members to take on such an overtly union role at work, since it can increase their vulnerability.

*"They do not want to be targetted, and they would be. So we call them office contacts. My personal view is that unions shouldn't be using delegates the way they do, training them to do the union's job. I think it is an unfair expectation."* (Southland Elected Officer, April 1991)

*"Because people were fearful of the word delegate, they would be a contact person. A delegate in the clerical union does nothing more than be a mailbox."* (Central Staff Official, Aug. 1991)

Clerical union organisers aimed to visit regularly all sites with four clerical members or more. This contrasts with, for example, the Engineers Union who aimed to visit all

sites with 25 or more members. Small sites were visited on request. This policy means organisers reached around 30% of sites and 70% of members.

*"Our first priority is organising worksites so that people know they've got union backing and how to use it."*  
(NZCWU Organiser, Oct. 1990)

The logistics of servicing such a highly fragmented workforce meant the unions relied more on footwork than on delegates. Since the late 1970s, the clerical unions aimed at a ratio of organisers to members of 1:1000. It meant higher organising costs than for most other unions, and less of the membership dollar expended directly on member services. More organiser time was spent on individual rather than collective problems. Communication costs were higher, and contact and identification with the union likely to be lower than for many members of other unions. Conversely, members' direct contact and identification with their employers was naturally likely to be higher with most other unions. All this meant low participation and extremely low meeting turnouts by members.

The logistics of organising such a fragmented workforce, and the vulnerability that isolated members may feel with regard to active unionism are the reasons clerical unions have relied on institutional rather than industrial means of providing protection to clerical workers, including non-members.

### **Industrial Action or Arbitration?**

The industrial weakness of the clerical unions, despite their membership size, arises from the fragmented nature of the membership and the consequent vulnerability of isolated woman workers; from the gendered nature of most clerical occupations and expectations of loyalty and service; and from the nature of clerical work itself. The withdrawal of clerical labour is less effective than many other strikes. The result is likely to be, not loss of production or sales, but simply delay in completing the work of the monthly business cycle. The work piles up until the strikers' return, with perhaps the greatest injury being to co-workers who must wait for their wages.

*"There are very few clerical positions where they have the power to grind something to a halt."*  
(NZCWU Elected Officer, April 1991)

One group for whom industrial action could be effective was Air New Zealand clerical staff. In 1991 they successfully used weekend strike action to renew their award, despite an interim injunction when employers contested strike legality. Up to 85% supported a strike vote binding on all branches to break an impasse in negotiations over hours of work and the use of casual workers.

However, even the least likely, hardest to organise section of clerical union membership has taken industrial action. In 1985, clerical workers held their first ever national strike, in support of the NZ Clerical Award.

The Labour government elected in July 1984 lifted National's wage freeze for the following wage round. Unions could test direct collective bargaining under the 1973 Act, backed by conciliation and arbitration procedures, but without the heavy government direction of the award round experienced under the previous National government<sup>2</sup>. The industrially strong unions made up their losses against inflation, and achieved increases well worth striking for. The clerical workers were determined to get their share, particularly since, despite Equal Pay adjustments a decade previously, the standard clerical rate had again been pushed well below the average male wage.

The initial claim was for 35% plus a \$20 visual display unit allowance; a larger increase in the junior rate; 10 days sick pay; a health and safety clause; and a sexual harassment clause. In conciliation the wage claim was dropped to 20%, plus an additional 5% to bring clerical wage rates up to the level of traditionally comparable male dominated trades. This additional claim was supported by arguments for equal pay for work of equal value. A pay equity component had also featured in the previous year's claim and been rejected. These were the first moves in what became the campaign for pay equity. The employers' best offer was 11.5% with no other changes, although other unions' awards were settling at increases of around 16.5%.

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<sup>2</sup> In the private sector at least, but see Chapter 8 with regard to continuing offstage government direction of the state's own wage negotiations with NZNA.

Clerical workers suddenly discovered their industrial muscles. Christchurch filled the Town Hall, not just the usual small room at the Trade Union Centre.

*"One guy stood up and said, I move that the Clerical Union go on strike for two weeks, just about brought the Christchurch Town Hall down."*

(CWA Elected Officer, Oct. 1991)

In the North, members had had input into the claims through a previous round of stopwork meetings. Organisers gave delegates, executive members and as many available clerical workers as possible a crash course on the award and sent them out on 'saturation visiting' of worksites, the largest first. They also targetted employers involved in the award talks. 2000 people attended a general stopwork meeting, then took the afternoon off to march up Queen St. The main national action was a strike for two-and-a-half days around Waitangi weekend. Some worksites decided on intermittent action to disrupt workflows or a longer period of stoppage. One of these was the 42 clerical workers at General Foods, one of the large employers represented at the award negotiations.

*"It was really inspirational for those of us who had been involved in the union for a few years. I never really quite believed that this would happen, even though we worked for it...It was a positive fight to achieve benefits that were real and tangible...so they were prepared to go to bat for those."*

(COMPASS Elected Officer, Aug. 1991)

The outcome was a 15.5% increase in the standard clerical wage rate, with a 38% improvement in junior rates.

Legislative changes under Labour in December 1984 and May 1987 removed unions' right to arbitration on disputes of interest - that is, on unsettled award negotiations - in return for the right to back negotiations with industrial action. However, arbitration was the 'linchpin of the system' that traditionally protected scattered, industrially weak workers (Walsh 1989:155).

*"We were the only union that argued against it at the 1984 conference of the FOL. They said to us if you got out of your offices and off your backsides you wouldn't have a problem."*

(Central CWU Elected Officer, Nov. 1990)

By 1989 the implications of voluntary arbitration had sunk into the collective consciousness of employers' organisations. If they could see no advantage to themselves in settling, only unions with industrial muscle could make them. That year

the General Clerical Award, the Licensed Hotels Clerical Award, and the Hotel & Hospital Unions' Licensed Hotels and Tearooms & Restaurants awards, covering 70,000 mainly women workers (Coleman 1989:3), were among 25 awards that remained unsettled as a result of employer intransigence (Harbridge 1990:243). It was part of the campaign for a deregulated labour market that large employers had been waging since the late 1970s.

*"They have flexibility in clerical and services already but they want the ultimate flexibility of no awards, basically - so they are attacking the soft spots."*

(CWA Staff Official, Aug. 1990)

*"I was told by someone in a power position...they were trying to teach the union movement a lesson, and unfortunately the poor old weak clerical workers union got caught in that. It wasn't really directed at us."*

(NZCWU Elected Officer, April 1991)

Initially employers offered a 3% raise (against a general 4% in the wage round) in return for dropping Clause 13 which protected fulltime earnings. After some negotiation they withdrew even this offer and refused to negotiate further on renewing the award. Under the Labour Relations Act an unrenewed award would continue to apply, but would lapse completely after another two wage rounds with devastating effect on the union concerned.

Clerical officials saw the clawback of Clause 13 as the thin end of the casualisation wedge and decided to stand and fight. A large campaign was mounted to carry the issues to both members and public, with information material, car stickers, street stalls and use of the media, in a effort to rally members to support their award. In January 1989 the unions voted two to one to strike for three days around Waitangi weekend.

There was disagreement within the Clerical Workers Association in making this decision. Some secretaries insisted that it was a fundamental issue, while others recognised that the fight just was not there among their members, especially in Dunedin and Invercargill.

*"There was only 1% in it as well as Clause 13. The clause didn't affect them, because they weren't part-timers, or because they were part-timers already. They couldn't see the point in losing money for 1%."*

(NZCWU Elected Officer, April 1991)



*'People couldn't come to grips with it, and I can understand that...if you get into a clause of an award that they have no concept of.'*

(CWA Elected Officer, Aug. 1991)

Despite the vote in favour, the strike was not well supported. The third day was called off as discussions were resumed. In contrast to the 1985 action, this was a defensive action for little gain. By 1989 Labour's economic and monetary policies had hit the rural areas that supported strike action in 1985. In the North the fight was confined to Auckland where unemployment was relatively low, but action in urban areas was defused by clerical workers above the exemption rate who could pick up the work of strikers. The strike exposed the union's weakness to the employers. Eventually, they settled at 4%, with Clause 13 retained for only those already employed - effectively what employers had offered a year previously.

*"There was a hell of a lot of members' money went into that...14 months those people missed out, they could have had that increase...The battle wasn't worth it and we knew the battle wasn't there, that was the whole problem."*

(Southland Elected Officer, April 1991)

*"The whole thing quite frankly was a debacle."*

(NZCWU Elected Officer, April 1991)

In 1985, to the surprise of employers and contrary to trade union myths about 'paper unions', clerical workers had demonstrated that they could and would take large scale industrial action. However, because of the scattered and more vulnerable nature of the clerical workforce, members would only take such action when they perceived the issue as important and when they saw the potential collective gains as worth the potential personal risks. In 1989 this was not the case. Membership commitment to what officials saw as a vital issue was misjudged. Clerical workers' first concern was for their jobs.

*"As long as unemployment is rising, it makes our position that much weaker."*

(NZCWU Elected Officer, March 1991)

*"The problem is assuming what the members want without asking the members what they really do want."*

(Southland Elected Officer, April 1991)

These awards remained unsettled in 1989 because the option of court arbitration on disputes of interest in negotiations was no longer available to unions. The 100 year alternative to industrial action had been removed.

*"The government is pushing this whole philosophy that conflict is a much better way of settling something than arbitration, but when you have groups of one or two workers...They won't provide any form of arbitration because it's interference in this sacred market place." (COMPASS Organiser, Feb. 1991)*

Members were forced to choose between jeopardising their personal employment relations and possibly their jobs through striking, or accepting the employers' non-negotiable position. By the time of the strike, this position was no longer about Cause 13 but whether they would continue the award itself. The 1989 award breakdowns enabled employers to demonstrate their strength under the Labour Relations Act and paved the way for further labour market deregulation under the Employment Contracts Act, 1991.

The clerical unions and other industrially weak unions began to lobby for some form of arbitrated back-up for negotiations, and also for 'binding decisions' in the Employment Equity Bill before Parliament. In September 1990 an Amendment to the Labour Relations Act added a high-risk 'final offer' form, similar to that in the State Sector Act, in which the arbitrator opted for one claim or the other with no compromise solution possible (Roper 1988; Geare 1988). This was designed to encourage compromise and settlement on much the same principle as nuclear deterrence encourages peace. The cost of even this remedy was another concession to the employers' lobby: employers gained the right to initiate a ballot of their employees on negotiating an enterprise agreement outside awards.

The 1989 award breakdowns demonstrated clearly the importance to low paid women workers of state supports to the bargaining power of industrially weak unions, and the effects that further labour market regulation would have on women workers. That the major awards concerned were for female dominated occupations was no coincidence, but reflected women's concentration in occupations which were logistically fragmented, industrially weak and consequently unable to improve wage rates through industrial action.

The limitations of industrial action were recognised by officials representing occupations such as clerical work. It was this recognition that had led the clerical

unions to develop their expertise in court work. However, as women became more actively involved in the decision making structures of the clerical unions during the 1980s, they began to develop new strategies to counter women's labour market disadvantage. These aimed at the revaluation in wage negotiations of women's work skills.

## **The Feminisation of the Clerical Unions**

Since the 1930s clerical work in New Zealand has been female dominated (Brown 1993), but this dominance was not reflected in the executives and officers of the clerical unions before the 1980s (Moynihan 1986).

Women began to be hired as clerical union organisers as part of the move to service members and to democratise unions in response to dissatisfaction about compulsory unionism among members who seldom saw a union official. In part, lack of servicing was due to new issues involving centralised negotiation, such as equal pay, but the unions had developed a very legalistic focus and expertise. The unions had employed few organisers and communication about the work of the union or members' rights was extremely limited. A member had to identify her own award infringement or problem and seek out the union. By the end of the 1970s dissatisfaction began to force change in the clerical unions, as in other unions. The election and appointment of union officials who reflected membership composition was identified as central to more democratic participation by members.

*"We do try to have women organisers so that women are dealing with other women."*  
(NZCWU Organiser, Oct. 1990)

In the Central region in the late 1970s feminist women began to be hired and to ensure the hiring of other young women like themselves, who had a quite different approach to organising. As they saw it, the union had to be taken to the members, not just through area meetings in work hours, but by visiting workplaces.

*"I got problems from the people I worked with, this guy didn't like the fact that I went out looking for work. He said, this is ridiculous, you are just making the job more than it should be. It meant he couldn't just sit around and pontificate."*  
(Central CWU Elected Officer, Nov. 1990)

As discussed in Chapter 5, these feminist women had recognised that unions had organisational power which could be used to improve the situation of women.

*"We were a group of feminists who cared deeply about women, who had been frustrated with the opportunities for working with working women involuntary non-workplace settings and had seen that the most fruitful way was to work within the trade unions...so there was a group of us that came into the Clerical Workers Union with precisely that aim."*

(Central CWU Elected Officer, Nov. 1990)

Some were women with a socialist commitment who were beginning to develop a more feminist understanding of women as workers through groups like the Working Women's Alliance. One woman looked back with some irony at earlier male-defined theoretical positions:

*"Those of us who came in with a clear marxist-leninist perspective knew that clerical workers weren't where the revolution was at! But because our primary commitment was to women we knew that what happened to women in the economy underpinned what happened anywhere else."*

(Central CWU Elected Officer, Nov. 1990)

Although general meetings of the membership have ultimate authority, unions are essentially run by secretaries and regular meetings of the elected executive. Feminist unionists who become involved in the clerical unions in the late 1970s and early 1980s recall that executive members, secretaries and organisers at that time were nearly all men, seldom with backgrounds in occupations or firms that were typical of the membership. Male clerks from local government and from other award groups with unrestricted coverage of ranks featured strongly on clerical union executives, perhaps as part of their overall career development.

*"My opinion is that at that time the men were there because it added status to the position of another job."*

(NZCWA Elected Officer, Aug. 1991)

By the mid 1980s the male dominance on clerical union executives had been reversed in all regions. Both beyond and within the union movement changes were occurring in women's expectations and assertiveness. Women who stood for office were voted in by female dominated memberships and, as officers of the unions, they encouraged and recruited other women behind them. In conservative Southland, in 1984 the local executive was all male, with a woman secretary. By the time of study, with another woman secretary, all executive members are women except for a local body clerk who

has been president nearly nine years. Similar changes had occurred earlier in the North.

*"When I started here in 1973 there was one female organiser, two male organisers, all the management was male - five management and three indians...Most of the executive was male...We had a female officer manager, but interesting that when she replaced the industrial secretary, the job didn't need a car after that."*  
(COMPASS Staff Officer, Feb. 1991)

This was a situation which incoming feminists set about to reverse in each region.

*"I didn't have a clue, but it had to be run better than it was, more than trips away for the boys...I was the second woman on the executive...(then in 1983) the first woman president ever, so I made a statement to the newspaper that women would run their own union."*  
(Canterbury/Marlborough CWU Elected Officer, Aug. 1991)

At the time of this study the proportion of men elected or employed by the clerical unions was about proportionate to the male membership. Just as in the 1920s certain clerical jobs had rapidly become women's jobs, the feminisation of the clerical unions advanced quite quickly. In one astute view, this is not just because the women move in, but because the men move out, shifting their attention to other arenas or career directions, or seeking employment with unions for male dominated unions.

*"As women move into those decisions making bodies in the union, men start not to be interested..it doesn't have the same status. This isn't power, so men move on."*  
(Central CWU Staff Officer, Aug. 1991)

In 1990 COMPASS had a woman secretary, one male on its management triumvirate, and four males out of 15 organisers, plus a legal officer. NZCWU had one male secretary, three male organisers out of 19, and a male researcher. Tiny Southland had all female staff, but a male president. In 1989 the NZCA Women's Rights Officer mentioned a positive hiring policy with regard to women. However, a male secretary was elected in Canterbury at this time and patterns of appointment observed over the study period did not altogether match such a policy.

Feminist unionists who were clerical union organisers and officers in the early 1980s acknowledge that it was mainly educated women who were initially employed. It was, however, recognised that they did not sufficiently represent the membership, and there was a push to get women with an ordinary clerical work background, and to

encourage active delegates to apply for union positions, both as organisers and as unpaid executive members. They reported some difficulty in finding willing members to stand for executive posts who were women, who represented the range of clerical work, and who had both a union consciousness and industrial experience. This accounts for a presence on clerical union executives of clerical staff working for other unions.

An early recognition by women in the Central union was that if more women were to be encouraged into senior union positions, the job needed to be tailored to fit the lives of women with domestic responsibilities, rather than of men with domestic servicing. To this end, the traditional hierarchy headed by one person was reorganised to spread workload and power between two officials. From the mid 1980s, the Central union had a women's rights secretary as well as an industrial secretary. From 1984 the central negotiating and lobbying role of the NZ Clerical Workers Association had increased with the appointment of a fulltime secretary. The appointment of an assistant secretary with specific responsibility for women's rights, together with the Central women's rights officer, gave the clerical unions the specialised and centralised capacity that allowed the clerical unions to initiate and lead major campaigns on issues of sexual harassment and pay equity. In 1989 the Association also had a women's standing committee in 1989, but many officials felt that women's issues were - and Maori issues should be - mainstream union issues which did not require specific representation.

The Central clerical union's power sharing structure was adopted by NZCWU on amalgamation with Canterbury/Westland and Otago, so that in 1990 there were Industrial Secretaries based in Wellington and in Christchurch, a Christchurch Administration secretary and a Wellington Women' Rights Secretary, all with equal power and responsibilities. The Women's Rights Secretary was responsible for women's issues, education, and identifying and supporting the specific needs of women members. She was responsible for the pay equity claims filed under the 1990 Employment Equity Act. NZCWU's rules provided for women's committees at local level, although in 1991 they still existed only on paper, with a commitment for funding. These were envisaged as being local social and support groups which bring scattered

women clerical workers together. The groups were to be organised how women saw fit, with support from organisers.

*"However they want to do it, if it is going to mean that it involves members, that they are getting support and encouragement from each other and that we can get feedback and involvement from them in other areas. If it doesn't go against existing union policy, they can formulate their policy by themselves, they can do what they like."*  
(NZCWU Elected Officer, Nov. 1990)

COMPASS's management structure was more traditional. In 1990 the 'management team' consisted of a woman secretary, a male assistant secretary and a woman administration officer. This shared management power and responsibility a little, but was felt by organisers to represent a greater divide between management and other staff, with less sharing of information and strategising than under the previous secretary's more informal style. On structures for specific representation, COMPASS's position is that women's issues should not be marginalised in separate committees with little power. But without specific responsibility being given to an officer or organiser, in fact little research, information or political work on specially women's issues was being done. With the dissolution of the Association at the end of 1989, great deal of expertise on women's issues was lost.

*"There isn't the ability to do that sort of lobbying because there is nobody whose specific job it is. There is a lot of commitment from organisers but it is not given recognition as being a real part of your job."*  
(COMPASS Organiser, Feb. 1991)

As women came to dominate organisational hierarchies and executives, the clerical unions became not only feminised, but feminist. As discussed in Chapter 5, the clerical unions were one of the large female dominated unions that achieved women leaders and provided political space for women within the union movement. As women's issues were prioritised in both policy and structures, the specialised capacity provided by centrally located Women's Rights officers meant the clerical unions played a central part in the campaign for pay equity. This campaign was directed at benefiting all working women, as well as offering concrete benefits to clerical members specifically. The need to make the trade union movement relevant to women workers was recognised by clerical union officials as of particular importance to their own 85% female membership. Achieving sexual harassment procedures and pay equity legislation would deliver concrete benefits to women clerical members, but also, more

generally, it would help make union membership relevant to women in the face of impending voluntary unionism.

*"We will attract women to the organised labour movement and maintain their interest so long as we are addressing the issues of great importance to them."*  
(COMPASS Staff Officer in Roth, 1986:52)

Two important strategies in achieving this were an emphasis on trade union education for women members, and the political campaign style of organising around specific women's issues.

## Union Education

Highly centralised wage negotiation did not require active participation by union members; nor did it give them an understanding of the issues or difficulties of negotiation. The focus was on rates and conditions in particular labour markets, with areas of negotiation defined narrowly by Acts and Arbitration Courts; outcomes of the deals made centrally were implemented by employers.

*"The vast majority of people did not understand what an award was or where it came from...The boss would say, Well dear, I've decided to give you a rise' when the increase had been negotiated by the Federation of Labour or the Combined State Unions. Nobody ever explained that."*  
(COMPASS Staff Officer in Roth, 1986:50)

Unions' centralised role tended to remove them from the workplace and from involvement in the issues and problems of members' daily work experience. Although the tightening of the economy and the loosening of the traditional IC&A package from 1973 meant that demonstrated membership support was increasingly needed to back negotiations with employers, New Zealand had inadvertently raised a generation of union members who knew nothing about unionism and had little sympathy with it.

*"A lot of people don't understand what unions do...Every award is negotiated by both parties, not just the unions, it's by the employers on the other side, but they don't realise that."*  
(Southland Elected Officer, April 1991)

Lack of information and lack of training were identified as serious handicaps to union participation by both men and women (Geare, Herd & Howells 1979:36). The gap which widened between union officials and their memberships in the late 1970s needed to be bridged by greater participation and much better communication.



For the strongly female dominated clerical unions, making the unions more democratic meant somehow getting women members involved. Prior to the introduction of two annual two-hour stopwork meetings in the main clerical awards in 1977, less than 1% of Northern membership, for example, had participated in union votes. Even after the Labour Relations Act 1987 granted two paid stopwork meetings for all unions:

*"The number of people who turned up didn't increase drastically, because they still didn't have the time to get off the job. Whether they were going to be paid or not wasn't the point."*  
(COMPASS Officer, Aug. 1991)

*"In the history of our members, they are not great voters. They just think, it is in pretty good hands, I won't go."*  
(NZCWU Elected Officer, April 1991)

*"What we needed to do was say we were going to have a 50% fee increase and affiliate to the Socialist Unity Party, then they would all come!"*  
(COMPASS Elected Officer, Aug. 1991)

In the mid 1980s Federation of Labour leaders shared a view long held by unions in industry that unions had become dependent clients of the arbitration system and they wished to see unions more reliant on their own bargaining abilities (Walsh 1989:155). However, the clerical unions had been shown by the 'Strike Free' campaign and the bid for voluntary unionism by a section of their own members that for them and other female dominated workforces the problem to be tackled before mobilisation was the lack of interest in and understanding of unionism among women members. Attempts to improve what Offe & Wessenthal (1985) call 'dialogical communication' between scattered members and central decision makers began with an increase in organisers, local membership meetings in the late 1970s (Moynihan 1986:89,96) and the beginning of union education in the early 1980s.

Reasons for low participation and lack of interest by women in unions have been identified, both in New Zealand and elsewhere ((Geare, Herd & Howells 1979; Beale 1982; Griffin & Benson 1989), as arising in three areas: physical barriers, such as timing of meetings, family responsibilities or lack of childcare; job related barriers, such as hours of work or employer attitudes; and also personal alienation from trade unionism. Union-related barriers included lack of encouragement and recognition of women members, lack of information and training, and the 'alien' culture (Geare, Herd & Howells 1979:14); what has been termed the 'secret language' of unionism, and the

'intricacies of parliamentary procedure (which) baffle and frustrate many women' (Griffin & Benson 1989:87).

As women were hired into the clerical unions as organisers, they prioritised encouraging the participation of women members. It was women organisers who began using educational techniques and organising education seminars, long before the establishment of the Trade Union Education Authority.

*"Education was a women's thing, women did education. It didn't happen in the male unions."*  
(Central CWU Staff Officer, Aug. 1991)

Initially, there were two aims: firstly, to develop the skills of women already involved in their unions, and secondly, to raise the consciousness of other women members about unionism and also about their own experiences as working women. As discussed in Chapter 5, some of the first seminars were organised through the Working Women's Alliance in Wellington and the Auckland Working Women's Resource Centre, rather than by specific unions. Clerical union officials were centrally involved in these organisations. As women clerical members were becoming involved as organisers or officials, and later as secretaries, they needed the skills to understand and participate in what was going on, to know how to move a motion at a meeting, how to put the clerical unions' position at Federation of Labour conferences of 300-400 male delegates, how to handle hecklers who shouted 'Point of Order' and waved rule books.

*"In the end it was, do we in fact want to have meetings like that, or is it a load of bullshit? But at the beginning it was saying we have got to work these structures to change the structures and that is how a lot of those changes happened in the Federation of Labour conferences, because women started to learn."*  
(Central CWU Elected Officer, Nov. 1990)

Educational seminars were also used to develop and adapt to the New Zealand labour relations system concepts being raised by feminist unionists in other countries, before taking them out to members. The clerical unions were one of the first female dominated union organisations in which women achieved positions of decision making power. It was often clerical union officials who put up policy remits at Federation of Labour conferences which had been campaigned for through the series of women's organisations discussed earlier - the Alliance, the Working Women's Council, the

Federation of Labour women's sub-committees, the NZCTU women's and Maori standing committees - which could not themselves present remits.

Education was a way of reaching members, of interesting them in unionism through issues which were relevance to them as working women. Issues such as sexual harassment and pay equity were taken up in seminars, along with education on more traditional aspects of unionism and labour relations. Education grew in importance as a strategy as women officials began to grow in numbers in the clerical unions and other female dominated unions.

*"The feminists in the unions were pushing for education because we saw that it was the only way to organise for women, it was the only way you had access and it was the only way that you could raise the issues at the membership level."*  
(Central CWU Staff Official, Aug. 1991)

Much of the content of basic union education seminars was feminist consciousness raising and assertiveness training, of use not only to members in their own work situations but to encourage greater participation by women in the union.

*"Consciousness raising was a fundamental organising tool for unionists. If you wanted to change things, you had to talk to people about other ways of perceiving the world."*  
(Central CWU Staff Official, Aug. 1991)

*"It was always recognised that education is the major part of organising...It was not just the cream on the cake."*  
(NZCWU Elected Officer, March 1991)

The clerical unions initially bore the full costs of their education programmes and reimbursed lost wages of participants in education seminars. However, trade union education began to be taken up as a combined response of both the Labour Party and the union movement to the long campaign for voluntary unionism by National. Direct bargaining with employers in harder economic times required a more active and knowledgeable membership, with better workplace organisation where possible. Union education and delegate training began to receive attention from the whole union movement with the establishment of the Trade Union Education Authority and paid education leave in 1986.

*"The important thing was Paid Education Leave, a minimum of three days a year which employers have to give to let someone come and listen...legitimizing union training, it was okay to go and do this, you are entitled to it."*  
(Central CWU Staff Official, Aug. 1991)

TUEA subsidies for educators employed by unions allowed TUEA's own general programmes to be supplemented with seminars directed at particular industries or occupations. Seminars on legislative changes and workplace health and safety could be tailored to the specific interests of clerical workers. Some of the education work taken up by TUEA was directed specifically to women. However, since the approach taken was very different from traditional union organising, women's seminars organised by TUEA, the clerical unions and some other female dominated unions were seen as silly, irrelevant or threatening by some unionists.

*"I have found that the concept of education is a threat to male structures within the unions. God help us if these women go along to a seminar and find how to get on the executive and then roll us!"*

(NZCWU Elected Officer, Nov. 1990)

For feminist unionists in the clerical unions, trade union education for members was more than teaching union structures and procedures to delegates. Worksite organisation through delegates or 'contacts' was, in any case, ineffective for small scattered worksites. Women needed the knowledge and skills to tackle their own workplace issues and to become more assertive about their rights, both through basic union education and consciousness raising designed specifically for members specifically as women workers.

*"Getting 20 or so women together in a place like Hawera for a day to talk about problems of childcare, to talk about sexual harassment, to talk about the fact that they do two jobs, and to say it's okay to talk about those things.*

(Central CWU Staff Official, Aug. 1991)

*"There is no point expecting someone to hold a banner on a picket if they can't even challenge who makes the tea at home."*

(NZCWU Staff Official, Oct. 1990)

Discussion among women of their personal situation at work developed understanding about why women are treated the way they are in offices, and led on to greater assertiveness in dealing with problems and greater interest in unionism.

*"Seeing women who have learned something that has probably always been apparent, but had never quite clicked, and from there they have gone on to the next step and the next step."*

(NZCWU Elected Officer, Nov. 1990)

*"Workers have some really exciting life experiences that never get properly discussed but when these become part of our learning...(They) found a lot of*

*strength within the group to start them thinking about doing some battle with the rest of the world. That was really very exciting, just to watch that growth."*

(COMPASS Staff Official, Roth, 1986:44,46)

Education on specific issues played an important role in getting women members behind the public campaigns of the clerical unions on issues like repetitive strain injury, sexual harassment and employment equity, as did increased written communication to members. Information pamphlets on specific issues and the Association's newspaper Paper Clip explained legislation changes, award issues, health and safety issues or a particular campaign.

*"Members don't always want to go to meetings but they do want to know what's going on, to know what they get for their money."*

(NZCWU Organiser, Sept. 1990)

In the clerical unions, and other unions where feminists had gained prominence or dominance, topics for union seminars included assertiveness and dealing with stress. Assertiveness training was seen as a means of helping women to improve their own conditions of work and to deal with workplace dissatisfaction while still small, since minor problems were often about poor communication between employer and employee. As an educational technique, an initial focus on health issues at the personal level, such as Repetitive Strain Injury or stress, could lead to discussion of change at both the personal and collective levels.

*"How to get what you want, how to say that you need a chair. It's all assertiveness, knowing what RSI is no good to you if you've not got the guts to go to the boss and say, look, I've got a twinge."*

(NZCWU Staff Official, Oct. 1990)

*"It covers what stress is, keeping our bodies healthy, stress interrupters, but the afternoon is about stress at work, it's about doing something, it is about making change and it is actually strategising."*

(NZCWU Staff Official, Oct. 1990)

Seminar components on these topics in general or delegate training seminars led to interest in more specialised sessions and word of mouth recommendation to other members. At the end of such a seminar there were often two or three women in difficult work situations who needed more, and NZCWU educators began to suggest they form support groups, for the opportunity to discuss problems with others outside the particular workplace but with a direct understanding of clerical work problems.

Not only did education seminars bring isolated women workers in contact with each other and with the union, they gave the clerical unions' educators a full day with members. It provided an opportunity to spend time with members in a relaxed non-work environment and get in-depth feedback about what members think and what they want from the union.

Of the clerical unions, it was Central, then the amalgamated NZCWU, that gave greatest priority to education. Southland had too small a membership to bear the cost of a specialist educator. COMPASS had one educator, based in Hamilton rather than its main centre of population; in 1991 it appeared to be retreating from raising member awareness of political issues and moving towards a strategy of 'marketing' the union. NZCWU employed three educators, based in Wellington, Christchurch and Dunedin, and saw education as an integral part of organising.

*"We see it as a dual role. While it is important our industry organisers appreciate the role of education in the union it is also important that our educators are in contact with our industrial people, aware of what is going on industrially...They are working in parallel and it is crucial that they work together."*  
(NZCWU Elected Officer, Nov. 1990)

For one early union educator who later became an organiser, organising was simply a more active facet of member education.

*"As education officer I saw my role as looking at the kinds of problems that were occurring and grouping them together for collective consideration. As organiser I see one job as having one particular problem so we work to resolve this while building union consciousness."*  
(COMPASS Staff Official, Roth, 1986:49)

Education was an important strategy in raising the collective union consciousness of women clerical members, in particular, not only to avert membership losses should unionism be made voluntary, but as part of the more general goal of raising women's participation, both in industrial action and in the union as an organisation. The clerical unions were one of the first unions to take up union education, but officials recognised that it was a strategy for change in the long term.

*"Very much a long term strategy, the way to educate members, to politicise members and involve them in the union which would make it a democratic organisation."*  
(Central CWU Staff Official, Aug. 1991)

## The Political Power of Numbers

If education was the long term strategy for involving members, the short term one, though closely connected, was the public campaign. Over the 1980s the clerical unions mounted campaigns to generate public attention and debate on issues of concern, particularly ones relevant to working women. Their initial source of strength was their large membership number, which provided political influence in a number of arenas.

The largely occupational basis of awards and unions, combined with compulsory union membership and women's concentration in clerical work, made the NZ Clerical Workers Association the third largest union organisation in the private sector when this study began<sup>3</sup>. Its political power was used with considerable effect in the 1980s to raise issues for working women both within the trade union movement and in the wider political arena.

*"If you chose to have power, it was at that level, because you were the third largest union in New Zealand and your votes could sway any decision. When the Clerical Union spoke everybody sat up...Back then within the Federation of Labour, you carried a hell of a punch."*

(NZCWA Elected Officer, Aug. 1991)

Public campaigns around particular issues were a strategy to involve the clerical unions' large membership more actively and also gathered the support of members and officials of other female dominated occupations. Working through the Federation of labour women's subcommittees, debate would be stimulated, and the combined votes of female dominated unions could establish an issue as policy and bring the weight of the whole union movement behind it, in negotiations with employers or politicians. Working wider than the union movement, a campaign could mount public pressure to bear on issue. Links could be made with other women's organisations in the wider community, gathering in the political strength of women's voting power behind legislative change.

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<sup>3</sup> In 1986, the last year official membership returns, expressed in Full Time Equivalents, were required by the Labour Dept, the combined Hotel & Hospital Unions numbered 46,450; the Engineers Union, 45,000; the Clerical Workers Unions 42,000.

In laying out public campaigns as a strategy in this theoretical fashion, from an issue of union concern to final Act of Parliament, it must be recognised that each possible stage was a political outcome, for which the support of others might or might not be enlisted. Not all issues of importance to the clerical unions were of direct relevance to other workers or other women; not all achieved the support of the union movement as a whole.

The issues on which the clerical unions had most success with campaign tactics were issues of concern to all working women. Issues which addressed the gendered nature of jobs or gender segregation in the labour market at the political level attracted wider support than just the membership of the clerical unions. Sexual harassment and pay equity attracted the interest of the full range of women's community and political organisations.

*"Pay Equity is an injustice that covers life, it isn't just related to a particular document or a particular industry. It's a social thing that women have been unjustly paid for years and years...If it is social injustice, then you must organise socially, and that takes on board your membership as well."*

(NZCWU Elected Officer, Nov. 1990)

As a strategy for furthering union interests, public media-oriented campaigns went outside both face-to-face employment relations and the institutional frameworks for multi-employer/workforce bargaining. They were directed in varying degree and with varying effect at a number of audiences.

Public campaigning could be used to pressure employers directly as part of industrial action backing award negotiations, as is shown in the two case studies which follow. Bad publicity or a picket can be very effective to pressure one employer, particularly a large one with a high public reputation. In the Project 13 campaign, employers who had withdrawn from award negotiations were targetted. The campaign took the issue to the public - including clerical union members - but this had limited effect on thousands of small employers who could not be individually targetted for attention.

Campaign tactics were more effective with politicians, since they were sensitive to public opinion. Political style campaigns affected employers indirectly when they resulted in legislation or regulation which bound employers to conditions that had not



been attainable in direct negotiation. This was the clerical unions' strategy with pay equity.

*"We have had to find other ways of organising. The whole pay equity thing is organised as a political campaign... because of the difficulties... You have to use the established media and must organise in a political sense rather than an industrial sense, deliberate political organisation."*

(CWA Staff Official, Aug. 1989)

But the clerical unions' campaigns were not just a strategy in themselves, they were *part* of their education strategy. They were directed at raising the issues, concepts and proposed solutions with 'the public'. The public not only included employers and politicians but others who might be influential in policy-making, such as political party members, journalists and civil servants. Also important was the fact that 'the public' is 52% women and, since one third of the female workforce do some form of clerical work, including the clerical unions' own membership. With 35,000 scattered members to bring up to date and in behind an issue - and to demonstrate to those members that the clerical unions was active on their behalf - the clerical unions found the media a indirect but useful tool for educational purposes.

*"We have taken the issues to the public because that is where our members are, that is where we get our audience."*

(Central CWU Elected Officer, Nov. 1990)

An important stage in each of the clerical unions' campaigns was getting the weight of the union movement behind the issue.

## **The Clerical Unions in the Union Movement**

Within the Federation of Labour, and later the NZCTU, the clerical unions have frequently been a dissenting voice and a voice for change. The nature of their membership, their position in the labour market and their workforce logistics meant that they did not always see their interests as best served by strategies and philosophies of the union movement which tended to reflect the ideological dominance of traditional male trades and the manufacturing sector. However, their membership size and the support of other unions, particularly those representing large female workforces, enabled their position to prevail on some issues, while not on others.

Other unions' reception of their position was coloured by a number of background factors. Union memories are long: in the 1950s and 1960s clerical voting power had been used by a Federation of Labour leader to achieve personal power and in 1951 to assist the government defeat more independent and militant unions (Scott 1952). New Zealand history had type-caste the clerical unions as a conservative power dangerous to militant unionism and class struggle long before their recent feminist deviationism.

At the level of workplace cooperation, there have often been perceived differences of class, or simply snobbery, by clerical members which have resulted in very unsupportive behaviour towards other occupational groups. In some disputes it has been important just to hold the clerical workers neutral, and given the vulnerability of their personal work situation, that has often been as much as they could do.

*"There is a whole history of clerical workers not joining with other workers in struggle and not being prepared to have their morning tea with other workers...that elitism and status consciousness, and in return a total misunderstanding of the vulnerability of their position working as closely as they do with the employer."* (Central CWU Elected Officer, 11 Nov. 1990)

Lack of solidarity and snobbery has not been in just one direction. Further up the class/status hierarchy of occupations, members of professional unions have refused to share tearooms with clerical workers. Further down it, because of gender antagonisms and cultural myths about class<sup>4</sup> (Phillips 1987:15-18), clerical workers are sometimes seen as 'inauthentic workers' (Cockburn 1985:185-189), undeserving of support by 'real' workers when clerical workers themselves take action.

*"The workers perceive that because the person is in the office, they are the bosses' friend. Very difficult to get support from those people."* (Southland Elected Officer, April 1991)

In one well-remembered dispute in 1986, clerical workers on a major Wellington industrial site took action to claim the bonus received by all their co-workers, including the gardener and the cleaners, in this case all men. The women would have needed a 49% pay increase to bring them up to the level of the trade groups on site. The

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<sup>4</sup> Reinforced by a few sociological ones - see critiques by Health & Britten (1984) and Stanworth (1984) of the relevance of the manual-non-manual divide as an indicator of women's social class.

women struck and picketed, but it took two weeks before the withdrawal of clerical work began to effect production. Co-workers offered them no solidarity, seeing the dispute as holding up their own settlement.

*"Initially they were just disparaged, but when their action really started to bite, they were called bitches and sluts and whores and told to get back to fucking work by male workers on site. An official of another union came out with management and harangued them on the picket line."*

(Central CWU Elected Officer, Nov. 1990)

The settlement of this dispute included a very low exemption rate which was used to slowly deunionise clerical staff. In the later negotiation of a composite enterprise agreement in 1990, the clerical union was told it was welcome to join if claims for the bonus and pay equity were dropped: that is, other unions and their members were not prepared to fight for the women's claims. Then without further notification, remaining clerical members were raised above the exemption rate and the composite went ahead, without clerical union representation or any collective coverage of the clerical staff.

While organisers can cite other such instances, generally cooperation has been improved by working together on redundancies and composite agreements in recent years. This has made unions much more aware of each other's positions at a practical level.

Difficult relations between the clerical unions and the rest of the movement are also due to the fact that the clerical unions represent the unions' own employees. Unions are employers of organisers and a relatively large staff of clerical workers. In the clerical unions' experience, organisations with a strong mission of service or commitment to a cause often have unrealistic expectations of dedication by employees. Union management's own strong commitment to unionism which can make it difficult possible to recognise themselves as bad employers, when in the name of the cause or the membership - or just through poor management practices - they push things too far.

*"They don't expect to be challenged because they are unionists."*

(NZCWU Elected Officer, July 1991)

Their employees, on the other hand, are very aware of union principles and their rights as workers, and do not hesitate to call in their own union. This means that relations between clerical union officials and other officials have sometimes become quite antagonistic, in ways that flowed over into other areas of inter-union cooperation.

*"We have been known in the past around town amongst other unions as the Hysterical Workers Union."* (COMPASS Staff Official, Feb. 1991)

Nor were clerical union officials' relations with other officials on day-to-day worksite issues enhanced by their leadership of feminist positions within broad trade union politics. Through the clerical unions, as well as through separate groups like the women's sub-committees, feminist issues spread to other unions, since their women organisers and support staff were clerical union members, attending meetings at which such issues were discussed. When clerical union officials or the Women's Advisory Committee raised new policy issues at Federation of Labour conferences, the personalised responses of unionist men indicated that they perceived the women, as much as the issues, a threatening to their own position.

*"Some of the males were saying 'There's too many women with balls at this conference'. Because the women were actually saying things, saying what they didn't like and the men - 'What's this? Lesbians!' Anything to categorise them because they actually spoke better, had something to say. They had researched their stuff and made sense."*

(NZCWU Organiser (male), Nov. 1990)

Tensions between the clerical union and other unions arose about differences on policy directions for the union movement. The clerical unions' position reflected, firstly, its organising position and reliance on state supports to union negotiating, such as arbitration, and secondly, its raising of new issues of importance to women members, such as childcare and sexual harassment, which were frequently seen as of marginal importance by powerful unions representing male dominated occupations.

*"These concepts...are not necessarily picked up or held very close to the heart by a lot of male trade unionists, and that's still half our battle. While that doesn't seem as apparent now, I think it is still there...They insist that on their experience this is what's right for workers. But our experience is just the opposite."*

(NZCWU Elected Officer, Nov. 1990)

Policy struggles occurred over issues raised and remits presented at conferences by the clerical unions, the Distribution Workers Union and other women unionists. In

1980, the clerical unions were strong proponents of the Working Women's Charter, which included support for contraception, sterilisation and abortion. From the late 1970s they had recognised the problem of sexual harassment at work. At the 1984 conference they put forward a remit seeking Federation of Labour policy opposing the display of pornographic pictures in the workplace (Coleman 1988). The level of understanding among male unionists of women's experience of working life and sexual harassment was such that the Secretary of the Engineers Union, representing a sizable female membership, defended offensive pin-ups as one of the 'last pleasures for aging males'.

A major area of tension between Federation of Labour affiliates was the issue of specific representation for women and Maori in structures planned for the new NZCTU which would combine private sector and public sector unions. The clerical unions played a central role in obtaining standing committees with representation and a vote on the NZCTU national executive, in order to raise new policy issues more effectively than had been possible with the purely advisory Women's Sub-committee of the Federation of Labour. It was through the clerical unions that the women's lobby and Maori lobby within the trade union movement were linked, though the presence of the three Maori members on the Association's Executive Council.

*"It was a great coalition to work in, it had some dynamic people. I think both of us were lucky in that we had each other, for support, for confirmation, we could bounce ideas and strategies off each other."*

(COMPASS Officer, Aug. 1991)

This close linkage came into play when it became clear that opposition was building at the 1986 Federation of Labour conference. It was quickly decided to present together the papers on a women's structure and a Maori structure at a point in the conference where standing orders and 'in committee' status were suspended to allow Maori tikanga to prevail. This not only prevented heckling and 'points of order' from interrupting the presentation, but ensured that full media coverage was given - also of any opposition stances.

*"There was a shattering silence...They never realised the working together than had been going on behind the scenes to be able to present those papers like that."*

(CWA Elected Officer, Aug 1991)

The motions for both structures were passed narrowly, on a membership card vote, not a show of hands. It was carried by the weight of membership numbers of the large female dominated unions - the clerical unions, the Distribution Workers and the Hotel & Hospital Workers Federation - and without the opposing votes of the Engineers Union, whose secretary had forgotten his membership cards.

*"It wasn't meant to show more strength than them, it was to identify that in the trade union movement there are women, there are Maori."*

(CWA Elected Officer, Aug 1991)

In the mid-1980s the clerical unions launched the pay equity campaign, after both employers and the Arbitration Court refused to consider the comparable worth of different jobs typically done by women and by men. This campaign was taken up by unions led by women, but received limited support as a strategy from male unionists and from the Federation of Labour. Claims for pay equity in 1990 were coordinated by a group under the auspices of the NZCTU, and women officials of the NZCTU put in a great deal of behind-the-scenes work in the drafting stages of the Employment Equity Act. But in the view of clerical union officials, the NZCTU leadership did not throw the weight of the union movement behind the issue in the way it might have. Despite a 1989 slogan of 'Jobs, Stability, Equality', the NZCTU's strategic unionism did not prioritise, or even seem to include, the revaluing of women's work as a social equity issue. In the view of a woman official of another union who was involved in developing the NZCTU's Compact with the Labour government:

*"It didn't fit into their economic strategy. They saw pay equity as just another wage claim."*

(April, 1992)

Conversely, the strategies initiated by the Federation of Labour and NZCTU and adopted by the union movement have been opposed or reluctantly supported by the clerical unions, because they have not suited the interests and labour market position of clerical members. The clerical unions' position in regard to the dominant strategies of the union movement are discussed a little later.

### **Pay Equity: Throwing with the Weight of the State**

The clerical unions' size, as the third largest private sector union organisation, gave them political weight not only in the union movement, but in the wider political arena.

They were a relatively independent, and often dissenting, voice within a trade union movement whose leadership (but necessarily not membership) generally supported Labour. They represented a very large number of women voters whose political allegiance could not be taken for granted. The industrial strength they lacked for logistical reasons of workforce fragmentation was compensated by political strength. If employers could not be persuaded directly or through arbitration to consider clerical workers' claims in negotiations, they could be required to by legislation, achieved by political means.

A political route allowed the clerical unions to pursue their goals by utilising their strengths and skills to overcome their weaknesses. They had long been active in the politics of government policy formation and legislation on labour relations. Expertise developed pursuing disputes through the arbitration court was useful in the proactive stages of lobbying and input into proposed legislation. Their very skills as 'middle class' clerical workers were suited to such a strategy.

*"We have done it that way because that is what we are good at doing, far better lobbyists, submission writers - well, we are clerical workers!"*

(NZCWU Organiser, Nov. 19910)

If their lobby was not always successful, this was because they were not the only, nor the most powerful lobbyists with interests to be protected.

The political route taken by the clerical unions went outside the existing labour relations framework - itself a political outcome limiting negotiation to a narrow range of concerns - two decades before the NZCTU itself sought to widen the scope of discussion through the Compact (Harvey 1992:61). In seeking state legislation to bind employers on new issues like pay equity, sexual harassment, parental leave and equal employment opportunity, however, feminist unionists stepped well outside the frame of reference of unions and the political left. They were using a strategy of utilising state power which had brought women considerable success on rights issues in the 1970s (Z. Eisenstein, 1981; Franzway 1989:29). This political route was equally successful in addressing the particular employment concerns of women in the 1970s and 1980s. It used the political system to get the changes, but the labour relations system, with its labour market wide awards, to deliver them to large numbers of women.

I refer to this as a political *route*, as well as a strategy, to convey the idea that change in state policy and legislation is the interim goal. The objective, indirectly achieved, was change by employers in the way they treat or value their women workers.

Liberal feminists have sought changes in the operation of the state as direct goals: recognition of women's citizenship, welfare rights and equality before the law (Z. Eisenstein 1981). The clerical unions sought to use the power of the state indirectly, by bringing it to bear on the capitalist system and negotiations between unions and employers. They lobbied for change in the legislative framework for award bargaining, within which the clerical unions had been blocked on certain issues. Hester Eisenstein (1986) has called this strategy for change 'feminist judo: throwing with the weight of the state'. In the 1984 award round the clerical unions were unable to negotiate a procedure on sexual harassment into their awards. Nor would employers countenance a percentage rise in 1984 or 1985 to bring clerical rates back up to the core trades rates, although 1985 was the year women clerical workers took large scale industrial action in support of their award claims.

Because liberal democratic governments require votes and political support to legitimate their authority (Offe 1984:135), they are responsive to public pressure in a way that employers are not. The women's movement and a discernible 'women's vote', particularly in the 1984 election, were important political forces, active both inside and outside the Labour Party and Labour government (Wilson 1992; Vowles & Aimer 1990:178), and to a lesser extent in the National party. The issues of sexual harassment and pay equity were new, progressive concepts which captured public and political attention, pushed by the broad campaign methods and media expertise used by Women's Liberation in the 1970s. In such fresh and newsworthy issues, where policy and opposition had not yet been consolidated, liberal politicians saw votes and a chance to redeem liberal reputations, damaged by free market economic policies strategy which contradicted Labour's traditional political platform (Du Plessis Novitz 1991). That is, when a regime no longer delivers according to its own established standards, its legitimacy is most in need of reinforcement (Offe 1984:268), and employment equity provided just the right election year issue. A similar route to pursue the long sought 10 days sick and domestic leave for the general clerical award would have lacked the required political glamour.



Clerical union officials wrote submissions and lobbied government on a variety of issues of importance to their members. Much lobbying related to changes in the traditional labour relations framework which would impact the clerical unions - voluntary unionism, the loss of compulsory arbitration and the Employment Contracts Bill (e.g. NZCWA 1989; NC&LEARWU 1991; NZCWU 1991b; NZNSCWU 1990). Other issues on which officials lobbied were of importance both to the great majority of clerical union members but also to other working women - childcare, parental leave, health and safety issues, sexual harassment, equal employment opportunity and pay equity. The issues highlighted below are those on which the clerical unions initiated campaigns which resulted in specific legislation: the Equal Pay Act 1972; personal grievance procedures against sexual harassment at work in the Labour Relations Act, 1987 and also the Employment Contracts Act, 1991; and the Employment Equity Act 1990.

Equal pay for women is a long standing issue in New Zealand. It was first called for in 1896 by the suffragists who formed the National Council of Women (TUEA 1988). It was raised in the clerical unions' first award claims in 1937, but initially reflected the concern of male officials to resisting the feminisation of men's clerical positions. Separate scales for typists and stenographers, already typed as women's work, soon fell behind the general rates (Moynihan 1986:16). During World War II, a few women in engineering and driving trams were paid men's rates, but the equal pay claims of the clerical unions and PSA women after the war were rejected, ostensibly as part of an 'economic stabilisation' wage freeze, when the men came home (Moynihan 1986:27-18; Corner 1988:26).

Female membership of the clerical unions rose to 85% during the war, falling afterwards but rising again in the 1950s and 1960s as more married women joined the workforce. From 1942 male officials were committed to equal pay for women and men as a strategy for improving wage rates for the majority of members (Moynihan 1986:27-28). A 1949 equal pay claim was rejected by employers and the Court as contrary to the principle of the 'Family Wage' for men in IC&A Amendment Act, 1936. However, relativity between the male clerical rate and rates for carpenters and

plumbers was recognised, and successive claims narrowed the gender pay gap from 62% of the male rate to 70% in 1960.

Women in the public service began campaigning against unequal pay and discriminatory career paths in the post-war years, and in 1960 achieved legislation for equal pay in the state sector by 1963 (Corner 1988). The clerical unions tried again in their 1964 and 1966 claims but were met with a 'wall of silence' (Moynihan 1986:71) from employers, arbitrators and the Federation of Labour which rejected a policy on equal pay. In 1969 the Australian Arbitration Commission granted equal pay and a bill was introduced in Britain, so the New Zealand campaign was stepped up.

In the late 1960s the Auckland clerical union began to use new methods to raise its profile with women members and in the media. It held monthly lunch meetings with entertainment, organised a social club and travel concessions. It was through this social/ political activity aimed at women members that equal pay was promoted. A meeting was convened at which the Council for Equal Pay and Opportunity was formed, which coordinated a national campaign involving women's organisations, unions and political parties. This culminated in a Commission of Enquiry into the implementation of Equal Pay, with a clerical union secretary as the Federation of Labour nominee. The Equal Pay Act was passed by National in just before the 1972 election, won by Labour which required the Act to be fully implemented by April 1977.

This was the first campaign of its kind - using innovative, attention-getting techniques to raise the issue among women, making full use of public media, and working together with women's groups across the community, as well as in the union movement. It was a public campaign for legislation, using political power to change the framework for arbitrated negotiation between unions and employers to the benefit of women. The employers' response was to mitigate the Act's effects through a close scrutiny of productivity, skills and other aspects of clerical work and the negotiation of narrowly defined range of grades to replace the standard male adult rate. By 1982 48% of men but only 33% of women were earning rates above Grade III (NZCWA 1986:46). Men doing similar clerical work to women are also more likely to be paid above the exemption rate, taking them outside the award.

Over the 1970s the Equal Pay Act had been successful in narrowing the gap between women's and men's earnings by 10%, but not in closing it (see graph), since most women and men were employed in different jobs for which pay differences were quite legal. In 1985 feminist unionists from the Central Clerical Union brought a new strategy back from union women in Australia: equal pay for work of equal value through comparable worth assessments. Management techniques of job assessment would compare jobs typically done by women with those typically done by men. This was initially raised in direct negotiations with employers. In 1985 after the wage freeze the clerical unions claimed an initial 35% in award talks, to bring rates up against inflation and to close the gap between the Grade III rate and the average male wage. In support, they launched a new campaign to 'Value Office Workers'. The pay equity aspect of the claim was rejected by employers, despite otherwise successful industrial action.

In 1986 the clerical unions again claimed for equal pay in their award and this time took the matter to the Arbitration Court. They argued that the clerical Grade III had become a 'depressed female rate', having fallen back to almost the same ratio to carpenters' wages as the female clerical rate had been in 1973 (NZCWA 1988:6).

They claimed a 'nominal male rate' for work of equal value under Section 3(1)(b) of the 1972 Equal Pay Act which states that for 'work which is exclusively or predominantly performed by female employees, the rate of remuneration that would be paid to male employees' should apply. The Court declined jurisdiction. The Act had no review mechanism after full implementation and was considered by employers and by the Court to be a one-off exercise which had already delivered equal pay in awards negotiated in the mid-1970s.

The clerical unions had deliberately taken their claim to arbitration to push the Court for a clear decision on work of equal value.

*"We expected to lose. What we aimed to do was to demonstrate publicly that the Act is of no practical use any more."* (Moynihan 1986:106)

The 1972 Equal Pay Act had been unsuccessful in closing the pay gap because it did not sufficiently address the gender segregated nature of the workforce. In the Court's

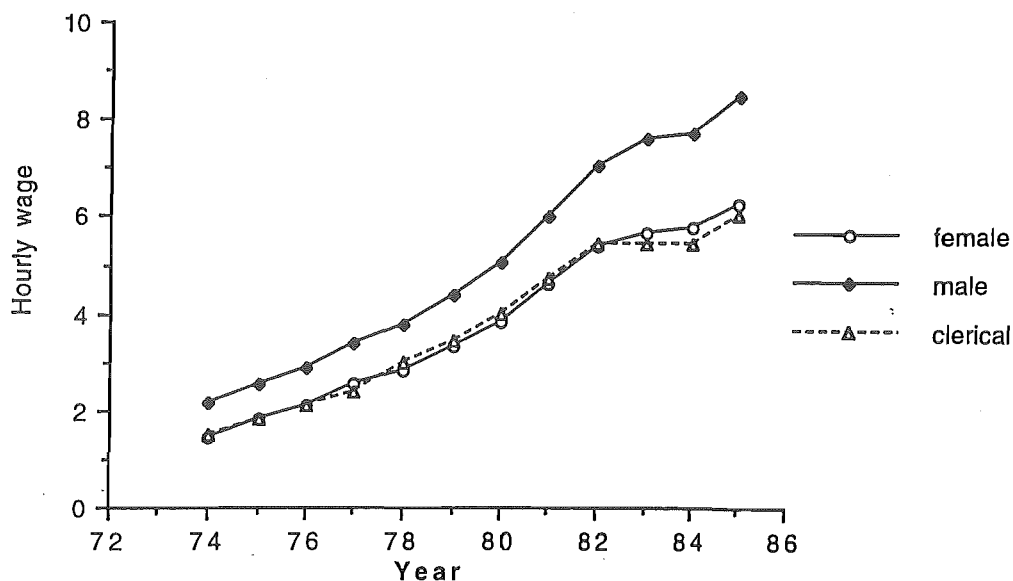


Figure 1. Average Ordinary Time Hourly earnings: Private Sector, 1974-85.  
 NZ Clerical Workers, Submission to the Arbitration Court on Equal Pay  
 and the Equal Pay Act 1972, February, 1986.

(NZCWA 1986: 48)

interpretation, it could not allow comparisons of jobs not done by both women and men. In a labour market strongly segregated by gender, equal pay legislation had no relevance for the majority of jobs. A fresh campaign was mounted to get legislation that would facilitate comparisons between male and female dominated occupations. Allowing for 'human capital' factors in the gender pay gap such as qualifications and continuous experience, the government Working Group on Equal Employment Opportunities & Equal Pay estimated that effective legislation could raise women's average weekly wages against men's by another 6%, for only a 2.25% increase in the total wage bill (Wilson 1988:13).

It was the clerical unions that initiated pay equity as an issue in New Zealand, but once again it was organised through a wide public campaign that included other unions with large female memberships, women's organisations, individuals and the old CEPO. In April 1986 a seminar on Equal Pay for Work of Equal Value at Victoria university - complemented by a Women's Liberation style demonstration outside - called on the government to review equal pay legislation to incorporate the principle of equal pay for work of equal value (Hyman 1986). A public meeting in May established a new

generation group, the Coalition for Equal Value Equal Pay, to coordinate the campaign.

*"Pay Equity was our issue basically, we took it on...(but) No use having a support group for the Clerical Union who was having a strategy for equal pay, you had to have a whole organisation that included individual women and the women's movement...to widen our appeal, get more people involved and more energy."*  
(Central CWU Elected Officer, Nov. 1990)

Clerical union officials were centrally involved in this campaign which was also a way of taking the issue to their own members. Their own union education seminars and a flood of information on the new concept of comparable worth drew clerical union members in behind the campaign.

*"We have run seminars throughout the country. It is a concept our membership have grasped and understand."*  
(NZCWU Elected Officer, Nov. 1990)

The public campaign drew on tactics and skills developed through the 1970s by the Women's Liberation movement. Leaflets, articles, cartoons, street theatre, overseas guests, public meetings, concerts, stalls, stunts and demonstrations and high profile media coverage were supported by a downstream industry of stalls, car stickers, badges, tee-shirts and tea-towels, directed at the general public.

*"Got to put some of the political issues in front of people because if you don't, no one else will."*  
(COMPASS Staff Official, Feb. 1991)

The campaign for pay equity and equal employment opportunity through the 1980s was very much the practical politics in a local context of an international feminist analysis being developed simultaneously, and outlined earlier. It sought legislation which would tackle the gender pay gap by addressing both the undervaluing of women's skills and their segregation into a limited range of gendered jobs (Walby 1988).

It was logically unions representing low paid, scattered, mobile, strongly female dominated workforces of women that championed pay equity: the clerical unions and women-led Distribution Workers Unions covering shop assistants unions. By the same logic, the Bank Officers Union which strongly promoted equal employment opportunity covered an occupational area that had relatively recently become female dominated (making equal pay claims effective) employed in organisations large enough to provide

career paths. An particular interest in equal employment opportunity by share by unions - or women's sections of unions - covering the large organisations of the state.

The Labour government responded by commissioning a study of the issues in three phases (Hyman 1986:237). The first considered the factors involved in women's position in the New Zealand labour market (Urban Research 1987). A government Working Party then made recommendations for legislation based on experiences of legislation elsewhere (Wilson 1988). The third phase, after the eventual passage of the Act, was the development of a comparable worth methodology suitable for New Zealand (Dept. Labour/SSC 1991). CEVEP and its component groups made submissions on the report of the Working Party (Wilson 1988) and the resulting Employment Equity Bill.

*"The concept and the campaign to get it was relatively short when we think of other historical events...It's pretty amazing and I think it is indicative of the commitment that women in the movement have had to achieving it, and also to the need for it."*

(NZCWU Elected Officer, Nov. 1990)

From overseas and New Zealand experience, there was a clear understanding by women campaigners of what was required and what would make legislation effective. It should cover both pay equity and equal employment opportunity. It should be separate from other labour law - and therefore less easily changed or traded away against other considerations. Pay equity legislation should allow both class and individual actions. It should provide independent expertise through a new state agency - not a new market niche for high-priced lawyers and consultants. In view of the difficulty settling awards in 1989 without access to arbitration, it should include a means of making decisions binding on employer. Given the persistence of the gender pay gap, the legislative should allow continuing review of the situation. But clerical union officials were optimistic about the effectiveness of such legislation in the context of New Zealand's system of centralised wage fixing. The award system would allow equity adjustments to be delivered into the purses of very large numbers of New Zealand women.

However, women and their unions were not the only lobbyists. Employers and their associations were also more organised and experienced by the late 1980s than in

1972 and the business lobby already had a firm hold on the ear of the fourth Labour government. To its stream of publications calling for labour market deregulation, the NZ Business Roundtable and NZ Employers Federation had added arguments, often by women authors, that legislative intervention in the market would reduce employment for women and ethnic minorities, rather than provide equity (NZEf 1989; Burton 1989; Smith 1989; Brook 1989:185; 1990b).

Early drafts of the Employment Equity Bill largely followed the recommendations of the Wilson report. Lobbying on the bill was intense, however, and between the second and third readings considerable compromises were built into the Act. After a equity claim for a particular job was brought against two male comparators and the comparable worth carefully assessed by the independent Employment Equity Commission, wage adjustments would not automatic result, but had to be *negotiated* with employers in the next award round. The phasing in of the resulting amount was also a matter for negotiation. Even after underpayment had been established, women were expected to wait for justice. Review was allowable after five years, but only on new matters: once again a one-off adjustment was thought sufficient to resolve a persisting social problem.

However, the legislation was greeted as a great achievement by women, and clerical union officials in particular were determined to make it work.

*"We were really pleased to have achieved most of the goals that we set ourselves several years ago. The introduction of that Act meant that what we had all been saying and campaigning for had all been achievable reality...The concept had been accepted that there had to be some redress of the wrongs."*  
(NZCWU Elected Officer, Nov. 1990)

In addition to delivering concrete wage benefits, pay equity was seen by clerical union officials as an important focal point for organising and mobilising women members. With the high profile campaign and seminars for clerical workers throughout the country, it was felt to be a concept that the membership had grasped and supported.

*"Hopefully pay equity will have some positive spinoffs in the way that we organise, recruit and retain members under voluntary unionism...one of the services we provide our members...And in another way - that they will value a) their own work and b) themselves...stand up for themselves and recognise their own worth."*  
(NZCWU Elected Officer, Nov. 1990)

The clerical unions and other private sector unions with dominant female memberships raced to prepare their first claims before the 1990 election, lest a National government say there was no demand. Ten claims were filed with the Employment Equity Commission as soon as it opened, including one by the clerical unions. To ensure initial success, first claims had to be for small, precisely definable groups which could be clearly shown as undervalued in comparison to the male occupations chosen. Most male comparators were from the public sector, where precise information on actual rates and conditions were most easily obtained (Hill 1991a).

The clerical unions' first thought was for grossly undervalued school secretaries. However, these members were reluctant to combine a pay equity claim with negotiations on a possible amalgamation with public sector education unions. A claim was therefore made for medical receptionists, a group which officials felt needed bringing up both industrially and in its relationship to the union. They were compared with university caretakers and hospital electrical workers, earning over \$100 a week more, plus allowances. This fitted nicely with the Nurses Union's claim for practice nurses. It would give the Commission double mileage out of expertise on private medical practice. Isolated practice nurses and receptionists could also support each other.

*"We chose those groups independently of each other...To end up in the same spot is rather indicative of where women are placed within the health sector."*

(NZCWU Elected Officer, Nov. 1990)

In researching suitable male comparators for the claim, NZCWU's Women's Rights Secretary expressed amazement at the little extras the male trades had accumulated on top of base rates. These not only added up in the wage packet, they gave something to trade in lean times. This contrasted with the bare bones of most industrial documents for female dominant occupations, especially the NZ Clerical Award.

*"The boot allowance, the piece of dirt on the boot allowance, it's incredible...They can go to the table and give away the spot on the boot allowance for an extra day's sick leave and make a big thing out of it. Whereas what have we got? Absolutely nothing, we are on the basic now."*

(NZCWU Elected Officer, Nov. 1990)

The National government's first action on taking power at the end of 1990 was to repeal the Employment Equity Act. The Equal Pay Act 1972 and the equal opportunity



provisions in the State Services Act 1988 remained in place. They allowed the work being done on a methodology for comparable worth by the new Employment Equity Commission to be completed by the Dept of Labour and 'made available to employers and employees so that they can use it as a tool during the normal wage bargaining process.'<sup>5</sup>

In May 1991 National removed the legislative framework of the 'normal wage bargaining process', in which the clerical unions had always been refused equal pay for women. It was replaced by the Employment Contracts Act, which limited employees to a choice of individual or collective enterprise contracts. Awards with blanket coverage of a particular section of the labour market, which had provided market protections and which would have provided a vehicle for the delivery of equity assessments, were now abolished.

In deference to women's voting power, their demonstrated support for employment equity, and the concern of their own women MPs, National appointed a Working Party on Equity in Employment to prepare yet another report, under terms of reference focused exclusively on equal employment opportunity. This approach was consistent with the individualism of the Employment Contracts Act and less costly to employers. An Opposition Bill seeing to secure equal employment opportunity programmes for large private sector employers into law, although on a voluntary basis, languished in a select committee. An Equal Opportunity Trust was established which funded suitable projects, with around 10% of the previous government's budgetary commitment.

We do not believe that it is possible to impose these provisions on employers and employees. Rather, we aim to impress upon employers, as those responsible for protecting workers' interests while providing employment opportunities, the importance of taking these matters into account.<sup>6</sup>

The clerical unions did not feel the battle was over by any means.

*"There is quite a level of public awareness around pay equity and equal employment opportunity, we should try to capitalise on that knowledge...The first*

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<sup>5</sup> Letter to CEVEP member from Jenny Shipley, Minister of Women's Affairs, 27 February 1991.

<sup>6</sup> Minister of Women's Affairs, letter to CEVEP, May 1991.

*thing National got rid of, it must have posed quite a threat to them, so we figure there is a few miles of campaign left in it yet."*

(NZCWU Elected Officer, Nov. 1990)

## **Sexual Harassment at Work**

In the early to mid 1980s, between the equal pay campaign and the employment equity campaign, the clerical unions were centrally involved in raising another important issue for women: protection against sexual harassment at work. While employment equity addressed inequality at the level of the labour market, this addressed women's daily experience of work at a very personal level.

The sexual harassment campaign was one of the great successes of feminist politics in New Zealand. In less than ten years, the behaviour was analysed, the concept named, an educational campaign mounted, policy pushed through the Federation of Labour and the political system, and specific personal grievance procedures to deal with sexual harassment included in the Labour Relations Act 1987 and in most awards. It was continued in the Employment Contracts Act which expanded access to personal grievance procedures to all employees, not just union members. Sexual harassment at work was also covered by the Human Rights Act, 1986. The behaviour continues<sup>7</sup>, but it is now widely understood to be unacceptable and against the rights of working women. And under both Acts it is the legal responsibility of employers to resolve problems of sexual harassment of their female employees.

Until the late 1970s what can now be named as sexual harassment at work was defined exclusively from the harasser's viewpoint (Wise & Stanley 1987:3-6), with the sexuality often ascribed to the woman. It was the secretary who was sexy or coy; or a good sport; or was 'sleeping her way to the top'. He was paying her a compliment; displaying healthy heterosexuality; taking a 'fatherly' interest. Women supposedly liked

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<sup>7</sup> The Human Rights Commission reported an 87% increase in inquiries to 382 in the year to June 1992, with formal complaints up from 26 to 61. Sexual harassment complaints made up 42% of all complaints pursued by the Commission. This recent increase in the Commission's workload may represent a shift in where complaints are taken, as women workers have been decollectivised, as well as more difficult employment relations. Of complaints to unions, after an initial spate in the late 1980s, only a handful each year go through the full personal grievance procedure to reach the Labour Court, now the Employment Tribunal.

it; knew how to deal with it; or changed jobs. By the early 1980s, changing jobs was no longer an easy solution for New Zealand women.

Sexual harassment as a concept disrupted such constructions of gender power at work as simply sexuality, although as recently as the mid 1980s, a liberal view of 'inappropriate sexuality' at work considered it 'sex-role overflow' (Gutek 1986), while research on secretarial work and power made sexuality its major focus (Pringle 1988). Radical feminism often continues to define sexual harassment at work as sexuality, but seen as part of an phallogentric perception that women exist to supply sexual services to all men in all places at all times.

The stronger view behind women's demands for union and legal protections is that 'it is only tangentially related to matters of sexuality' (Wize & Stanley 1987:91); it is harassment, part of 'normal' behaviour between the sexes, and by no means restricted to the workplace. At work, however, as well as a means of asserting power and extracting sexual benefits, sexual harassment in its milder forms serves to keep women out of certain spaces and out of the competition for men's jobs. Concerns about sexual harassment accompanied women's entry into clerical early this century (Anderson 1988:22; Brown 1993), reflecting both young women's actual vulnerability and resistance by male clerks to the feminisation of their occupations. It continues to be one the tactics used to jobs 'gendered' and the labour market segregated (Stanko 1988).

Sexual harassment at work was named as an issue by United States and British feminists (MacKinnon 1979; Wise & Stanley 1987:211) and raised by New Zealand unions as women began to organise together *as women* and as feminist women moved into positions as officials. The clerical unions, particularly Central as the most actively feminist, were crucially involved in educational and political campaigns to establish policy against sexual harassment by the Federation of Labour and by government. A Distribution Workers official recalls first meeting the issue through her membership of the Central union as a union employee.

*"I remember very well the meeting at the Clerical Workers Union when we first started discussing sexual harassment. Someone started talking about it, there*

*would have been a group of eight or nine and everyone in the room had had the same experience."* (Central CWU member, DWU, Nov.1990)

Clerical officials worked with feminist unionists from other unions through the women's sub-committees of the Federation of Labour, and put up the remit that passed protection from sexual harassment into Federation of Labour policy in 1983. The clerical unions attempted to negotiate sexual harassment procedures into the general awards from 1984. In 1985 they got only an end note the NZ Clerical Award to the effect that sexual harassment was unacceptable. However, they were successful in their Licensed Hotels clerical award - the first in the private sector - and in the school secretaries' award in gaining a clause that it was 'totally unacceptable' and that employers would take steps to resolve the problem. This was extended to their other awards in 1986. Some clauses on sexual harassment were achieved in some other awards for female dominated occupations. Officials of these unions, the clerical union worked with the women's sub-committees and the Auckland Working Women's Resource centre to have sexual harassment procedures included in Labour's planned labour relations legislation.

Although there has been some doubt whether the confrontational framework of the Labour Court is appropriate to these matters (Hicks 1988) and there has been some concern among union women about recent judgements, it was only through the 1987 Act that a full definition and procedures for dealing with sexual harassment were included in awards. The clerical unions lobbied for inclusion of sexual harassment procedures in the 1987 legislation to gain full recognition for it as an industrial and workplace issue. They saw protection through Human Rights legislation as insufficient because of long delays and because of the individual basis of complaint. Third party referral by the union could help defuse such crises in personal relations and protect a member against risk to her employment (Coleman 1988).

The Act included sexual harassment as one of four specific grounds for personal grievance procedures, including a definition, now repeated in most industrial documents, broad enough to satisfy any feminist:

...behaviour which is unwelcome or offensive...and which is either repeated or of...a significant nature. (LRA 1987)

*"Members were happy with that, it was a great victory to get that included in a lot of awards, because it affects a lot of women. Surprising how much of it goes on."*  
(NZCWU Elected Officer, April 1991)

By 1991 the clerical unions reported a falling off in reports of sexual harassment arising in their organising work, although they recognised that reduced clerical job availability over the last year or two may mean fewer complaints.

*"Very seldom do they get to the personal grievance stage. There seems to be more awareness of what's right and wrong, what's allowed and what isn't. The campaign to get good sexual harassment clauses in documents was part of a campaign of educating people about what's okay and what isn't."*

(NZCWU Elected Officer, Nov. 1990)

Problems have continued to arise, however, from inadequate understandings of rights and procedures for dismissal by employers acting in support of women harassed by co-workers, and from inadequate understandings of sexual harassment itself apparent in some tribunal decisions (Coleman 1988; Employment Tribunal 1992).

Although the first efforts to negotiate award clauses on sexual harassment met resistance from employers, the campaign for public awareness of the issue and legislation to provide Labour Court procedures met success remarkably quickly. In 1992 the Working Women's Resource Centre in Auckland was marketing its educating and mediating services on sexual harassment to large Auckland employers. This contrasts with the organised opposition of the Business Roundtable, Employers Federation and Treasury to the pay equity campaign. For one feminist unionist involved in both campaigns the reason for this difference was clear:

*"More dollars involved. We are talking money here!"*

(NZCWU Elected Officer, Nov. 1990)

## **The Compact and the Clerical Unions**

Within the Federation of Labour the clerical unions were a voice for change on women's issues and a frequently dissenting voice on other issues. As has been seen in relation to arbitration, the strategies of leaders of the union movement tended to reflect the labour market position and ideological dominance of traditional male trades

and the manufacturing sector. They were not always appropriate to the very different situation of clerical workers.

Increasing unemployment had undermined the potential of the right to strike gained in the 1987 Act. Job retention, productivity and economic growth were prioritised by union leaders who had once advocated militancy. In Labour's second term, cuts to state spending were making inroads into the 'social wage' of education and health services, while legislative changes made wage negotiations more difficult for both public and private sector unions. The NZCTU's 'strategic unionism' of Compact and Growth Agreement was a corporatist strategy aimed at regaining input into government policy.

In late 1988, when the idea of a Compact was first floated, the Clerical Workers Association's president and women's rights secretary spent two weeks in Australia to assess the Australian Accord. They found it had not measured up to its promise, particularly for industrially weak workers. On the basis of their findings, they raised questions about the New Zealand government's motivation and whether it would adhere to its side of the bargain. In their view, the process of any Compact should be participatory, to maintain active involvement of members in unionism. There should be a clearly identifiable women's agenda, with legislation for pay equity enacted prior to entering any Compact, to ensure it would not become an item of trade (NZCWA 1989). Neither participation nor women workers were prioritised in the Compact and Growth agreement which developed - although pay equity was indeed maintained as a quite separate issue.

Some unionists saw the Compact as collaboration (TUAC 1989; Harvey 1992:72). Clerical union officials saw it as naive.

*"Suddenly we are being more conciliatory towards the arguments that have been put up against us since time immemorial. But what has changed?. How are we more responsible for our country's economy than ten 10 years ago. Six or seven years ago you never would have dreamt they'd be saying it."*

(NZCWU Elected Officer, Nov. 1990)

Like many other unionists, clerical union officials opposed the top down process by which the Compact and Growth Agreement were introduced by NZCTU leadership

(Trotter 1989; Harvey 1992:70). Both had clearly been decided between NZCTU officials and government MPs before affiliated unions were asked to vote on the matter, and affiliates were to decide before their membership could vote on it. The process was publicly undemocratic and a reversal of the grassroots-to-national-policy way the new organisation had been theorised. It particularly angered union organisers trying to increase the democratic participation of members in their own union, whose daily contact with potential members involved assuring them that unions had changed. The Growth Agreement just six weeks before the 1990 election was generally seen as a last ditch attempt to save Labour.

*"For some reason the CTU seems to think that the working people of New Zealand are still behind the Labour Party... People really hated what they were doing."*  
(NZCWU Elected Officer, Nov. 1990)

The clerical unions had voted against the Compact. Because of the cross section of political party preference among the membership, the clerical unions had never been affiliated to the Labour Party and took a neutral stance in party terms. The Compact seemed to support a Labour government that had inflicted major damage on clerical workers through the removal of compulsory arbitration and other 'reforms'. The clerical unions could not see any reason for a change in the relation of the union movement with government. Some individual organisers joined an opposition group forming within the trade union movement to argue the case against the Compact as both strategy and process, circulating critiques of the Compact and of similar deals from Britain, Sweden and Australia (TUAC 1989 and collected union papers; Ross, O'Lincoln & Willett 1986).

Nor did clerical officials thank the NZCTU for the Growth Agreement restricting them to an award claim of 2%, plus a possible 1% for 'productivity'. Over the past three years, NZ Clerical Award rates had slipped against inflation and major awards for male dominated trades and officials were preparing to negotiate on that basis, as well as preparing pay equity claims. Productivity claims seemed more appropriate to the shrinking productive sector than to service work. Before Harry Bravermann turned his attention to clerical work, marxists had disparaged it as 'unproductive' labour, a view which lingers in some union circles. As a concept in economics, productivity is the ratio of output over wage costs. It is a concept not easily applied to clerical work,

even in production sector business; not indeed to any servicing work, despite efforts by officials to construct arguments on this basis. In fact, it cut across the clerical unions' strategy which was based on achieving a revaluation of their members' work skills through comparable worth assessments with typically male work, as noted in the clerical unions' magazine.

This narrow concept of productivity is no use to us and antagonistic to pay equity. (Paper Clip, Oct 1990)

The clerical unions also voted against the Growth Agreement, as did the Canterbury Stores Union, Northern Distribution Union and NZ Distribution & General Workers, covering low paid stores and retail workers. So too did the Post Office Union, which had just been offered 10% by Telecom employers. However, the clerical unions went along with the majority decision of NZCTU affiliates.

*"Our announcement that we were not in favour of the Growth Agreement came as no surprise to them, but it was simply maintaining our policy of trying to look after our membership."* (NZCWU Elected Officer, Nov. 1990)

We didn't vote against it because we oppose deals as such, but because it's a bad deal. (Paper Clip, Oct 1990)

Even before this opposition to the Compact and Growth Agreement, the relationship between the clerical unions and NZCTU leadership had been somewhat strained. The NZCTU had mediated in the settlement over the NZ Clerical Award over Clause 13, and had initially without consultation put up a position to which clerical union officials were totally opposed. This was that the clerical award should become a 'slave' document, that is, overridden by the dominant union document on site<sup>8</sup>. The rates, conditions and hours in the general award, basic as they are, would then only apply where they were less advantageous to members than those of other workers.

*"I don't think it was unintentional either. It was in line with industry bargaining."* (NZCWU Elected Officer, Nov. 1990)

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<sup>8</sup> This was already the case on the clerical awards clause regarding standard commercial hours of work, which were 37-1/2, but could be overridden by the standard hours of work in other documents covering the site, such as the 40 hours standard in most factories.



## Occupational or Industrial Unionism?

Harvey identifies three strands in the NZCTU's 'strategic unionism': greater input into macro-economic and social policy; restructuring of awards to reflect an industry rather than occupations base and allow more flexibility in content; and a similar restructuring of the union movement itself (Harvey 1992:65-66). The last two were felt by clerical union officials as a direct threat - to the clerical unions as organisations, and to clerical workers as a self-identified group competing in a particular labour market and represented in the union movement.

This acceptance of labour market 'inflexibility' as a problem attributable to occupational unionism can be sourced to pressure for change by employers' organisations in two areas. Firstly, traditional relativities between occupational groups had been developed by the Arbitration Court as a means of stabilising labour costs and ensuring a reasonable standard of living. From the early 1980s employers argued that relativities were impeding the movement of labour between contracting and expanding industries through maintaining wages at levels which no longer matched profitability, making those industries uncompetitive (NZBRT 1988b; NZ Treasury 1987:278). This view led to relativity between occupations and between public and private sector being dropped from arbitration criteria under the 1987 and 1988 Acts.

Secondly, strict demarcation between trades had historically been an important means of establishing control over and recognition of skills in industry; new tasks included within a job category were a means of gaining an increase in the wage rate. Industrial employers saw demarcation between occupations as an impediment to change in technology and in work organisation (NZBRT 1989) and the development of the flexible, multi-skilled worker needed in 'New Times' (Neilson 1990; Walsh 1990).

A regrouping of unions to encourage bargaining by industry would allow a free movement of labour between industries, as greater benefits could be negotiated for workers in expanding industries. Industry unionism was seen by influential unionists as a means of building unity, size and industrial strength within one industry to try and control, or at least have greater input, into the strategies of that industry (NZCTU

1988c:3). Current patterns of unionisation did not always cover 'grey areas' arising from changes in the labour process in some industries and from ownership shifts in others (NZCTU 1988c:8-10). Small craft unions, encouraged by the Labour Relations Act's requirement for a minimum membership of 1000, began to amalgamate along industry lines.

In its plan for reorganisation of the union movement along industry, then sector lines (NZCTU 1988c; 1989a), the NZCTU broadly accepted the arguments of employers and economists. These arguments were, however, largely irrelevant to the kinds of jobs in which most women are employed (Hill 1992b), and most particularly irrelevant to the situation of clerical union members.

Clerical workers are a mobile workforce with transferable skills of use in all industries. Since few firms offer a clerical career path, clerical workers seek experience and wage improvements through changing jobs, taking maximum advantage of the labour market for their skills in times of high employment (Anderson 1988:19)<sup>9</sup>. Flexibility of flow between industries as industry fortunes and job numbers changed was evident in steady clerical union membership numbers through most of the 1980s, despite sector fluctuations.

With three-quarters of New Zealand women concentrated in eight most common occupational areas (Dept Labour 1988), the occupational unions covering most of the female workforce were already large. As the third biggest private sector union, *size of union organisation* was not the reason for the clerical unions' industrial weakness. Nor was workplace inflexibility a charge reasonably levelled at their members, nor members of most other low paid female dominated occupations. Low industrial strength and low skill recognition are associated with lower control over job boundaries and demarcation than industrially strong unions may be able to command. A high proportion of clerical union members were in 'general' office jobs in small firms. Female socialisation and the gender relations in offices meant many women members

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<sup>9</sup> Jacqueline Tyrrell's (1993:51,58-9,82) research on large Auckland finance sector firms (largely outside COMPASS' coverage) concluded that even these offered no internal career paths for clerical workers, who relied for advancement on the external market for clerical labour.

obligingly performed a range of non-clerical tasks as requested, from supplementary cleaning to choosing the boss's wife's birthday present. Perhaps the most regular demarcation skirmishing is around who makes the coffee, an issue of considerable symbolic importance in office relations, on which women workers continue to lose (Pringle 1988).

The clerical unions frequently refer to a clerical 'industry', but it is perhaps more useful to see it as a clerical labour market. An occupational union protects workers and negotiates minimum rates and conditions right across the labour market in which clerical workers compete against each other. Reducing competition and undercutting between workers on basic wages and conditions is the *raison d'être* of unionism. Arguments put forward against formalising 'second tier' bargaining into enterprise agreements under the 1987 Labour Relations Act (Harbridge 1988) were equally valid with regard to reorganising the unionisation of the clerical labour market along industry lines. While it might formalise better market rates for the few, it would diminish the negotiating strength of the clerical workforce as a whole and labour market protections for the majority.

Clerical workers are recognising their participation in a particular labour market, as well as the tasks they perform, when they identify with their occupation rather than their industry of the moment. That occupational identity was demonstrated in 1936 when clerical workers acted to unionise their occupation, resisting employers' preference for industry unions. Again in 1990, COMPASS's membership survey showed more than three times as many respondents preferred occupational union organisation to industry-based organisation being debated at the time. Non-members - with less sympathy for unionism - showed even greater preference for occupational organisation. Collective identity as clerical workers was historically the basis for what collective action was possible against the odds of their organising logistics. Collective identity as women workers was the base for more recent strategies for raising the union consciousness of clerical members. The importance of identity as a base was also emphasised by clerical union officials in Australia, where similar restructuring was proposed by the ACTU (Tanner 1988). Reorganisation of the union representation of clerical workers along industry lines would not only fragment clerical workers' ability

to bargain rates across the whole market for their labour, it would fragment their sense of collective identity on which a more active unionism was being built.

Clerical officials' main argument against industry unionism was that it would hive off membership groups with some degree of industrial strength while providing no place for around 50% of members in clerical-only employment which did not fit the industry concept.

*"The strategy that says to them all go and join the Engineers or the Dairy Workers or whatever...is no strategy at all for a clerical worker in a legal firm, or a real estate agent, or a computer bureau, or all those places where there are no other kind of workers on site."*

(Central CWU Elected Officer, Nov. 1990)

The 1987 Labour Relations Act encouraged a move towards industry unions by allowing composite bargaining by several unions of either awards with blanket coverage or agreements between specified industry or enterprise parties. Clerical officials were happy to participate in these on behalf of their members; for example school secretaries. Composites allowed a united position with regard to employers while continuing representation by unions which understood members' occupational situation and particular concerns.

*"A composite agreement with three or four unions with one or just a couple of employers takes weeks, thrashing out the common things, get the common base document - then negotiating what is going to be given up."*

(NZCWU Organiser, Oct. 1999)

Clerical union officials saw a difficulty in their members being absorbed into an industry union, because it would not provide specific representation of the interests and experiences of clerical workers, who would always be the minority in discussions. Past experience of attitudes of other occupations and their unions towards clerical workers and women's issues suggested that their concerns might be considered less important and more negotiable.

*"We could see our people becoming poor relations of the major unions on the sites."*

(NZCWU Organiser, Oct. 1990)

*"The tendency is for minority groups to be subordinated, it's just a fact of life. When the minority is also women, then you have a double subordination. Women will not hold positions within the union, they will not be in a position to make their voices heard in what they want."*

(CWA Staff Official, Aug. 1989)

*"I was talking to a shop steward, he said oh, we will look after them fine. I said, if you are on a worksite with 20 clerical workers and 200 engineers and the employers say they will destroy the clerical workers' allowances but give you yours, what are you going to do? Put it to the vote, he said. 200 male engineers who can see a pay rise and 20 female clericals who get a decrease. You know what he said? Well, it's pin money anyway for them."*

(Central CWU Elected Officer, Aug. 1991)

In the view of clerical union officials, the concept of industry unionism was already out of date, for two reasons. Firstly, the largest and most influential New Zealand companies and multi-nationals had diversified across particular industries. Industry unionism would be vulnerable to industry expansions or contractions and economic shifts which some companies were now large enough to precipitate.

*"These big companies like Fletcher Challenge spread their operation without logic of area of product other than profit...There is no industry identification within management...(But) unions are wanting to put all their eggs in one basket. You can only take the boss on in that one industry and when your industry starts to crap out your whole union's down the tube."*

(CWA Staff Official, Aug. 1989)

In such a context cross-industry labour market based organisation may offer better protection.

Secondly, the premise of industry organisation was that size was strength and would result in economies of scale. Leaving aside the fact that industry unionism proposed to reduce the clerical unions' size, this assumption was also becoming problematic. While amalgamations were reducing the number of unions over the late 1980s, the number of actual documents being negotiated and serviced had grown (Harbridge 1990), as industry and enterprise documents and composite negotiations proliferated as part of 'bargaining reform'.

In Strategies for Change the NZCTU (1989a) took the logic of industry unionism a stage further, proposing 14 sector unions to cover the whole economy. This would more readily encompass small, new or unique businesses, new occupations arising from new technology or work reorganisation, and to some degree company diversification. This sector plan was based on industry statistical categories, not occupational ones - that is, it reflected markets for products and employers'

organisation rather than markets for different kinds of labour (Hill 1991b). The plan did not find immediate favour with the union movement since it redistributed several existing union organisations through different sectors and sliced up the awards protecting a number of cross-industry occupations. In particular, the plan clearly had no place for the clerical unions.

NZCTU officials pointed out that four of the 14 proposed sectors - education, health, entertainment/services and retail - would have a majority of female members and that adequate structural provision for women's concerns could be negotiated as a condition of transfer. However, the international evidence is that it is women union officials who prioritise the specific concerns of women members and that women continue to be under-represented in the leadership of such industry based unions and union federations elsewhere (Milkman 1985; Crain 1991; Curtin 1991; Trebilcock 1991:412; ICFTU 1991). In New Zealand, only organisations with very high proportions of women members have achieved women in the key position of union secretary but NZCTU's female dominated sector unions were unlikely to have more than two-thirds women members.

It was, however, enterprise bargaining, not industry or sector unions, that was on the agenda of the Business Roundtable (NZBRT 1987). The 1987 Labour Relations Act left the initiative for changes to bargaining structure with the unions. The 1990 Amendment restoring a form of arbitration gave employers the right to initiate employee ballots for enterprise negotiations. However, this was rapidly overtaken by a change of government. National encouraged enterprise bargaining by the simple expedient of legislating away all other possibilities for employees.

The debate around the NZCTU's proposal for industry, then sector unionism, and the effects of the loss of arbitration on award negotiations for clerical workers, meant that the effects of the Employment Contracts Bill on the organisation of clerical workers were well understood and eminently predictable.

*"The end result of all this is the destruction of the Clerical Workers Union and with it goes the national award...protection for thousands and thousands of clerical workers. And that is a cost that they are prepared to bear because it doesn't really affect them."*  
(Central CWU Staff Official, Aug. 1991)

The NZCTU led demonstrations against the Bill, but its president spoke out publicly against a general strike before this was voted on by union memberships. Once the Act was passed, NZCTU leadership rapidly adapted to the new workplace focus of negotiation, and to a view of the national award system as an historical anomaly, rather than a historic achievement in unionising and protecting low paid workers (NZCTU 1991b).

### **The Impact of the Employment Contracts Act**

The Employment Contracts offered employers - but not employees or unions - the possibility of negotiating a multi-employer contract to replace the award. However, without blanket coverage, a multi-employer contract would require organisation of thousands of employers to cover the clerical market. Despite ambivalent employer attitudes to bargaining reform uncovered by clerical union research (NZCWU 1990b, 1991a), the policy of their negotiating body, the Employers Federation, was firmly in line with the Business Roundtable view (Herbert 1990a). When the Employment Contracts Act was passed in May 1991 it was already clear that on expiry in early 1992 clerical awards would fragment into enterprise and individual contracts.

The loss of multi-employer negotiating destroyed the clerical unions' ability to organise minimum protections for the clerical labour market. Now only members themselves could be organised, into collective contracts on a worksite by worksite basis. While all unions were stretched by the negotiating requirements of the Act, none were faced with logistical problems on the scale of clerical unions.

*"How do we manage to maintain involvement in the negotiation of all those contracts? We have got thousands of employers and we simply won't be able to, physically we won't be able to get around them all."*

(NZCWU Elected Officer, July 1991)

The effect that the Employment Contracts Act would have on clerical bargaining was demonstrated immediately in another area of women's employment where talks had broken down in 1989. The Tearooms and Restaurants Award had not been renegotiated and became invalid when the Act became law on 15 May 1991. Very few collective contracts had been negotiated for the high turnover, widely scattered

workforce in tearooms and restaurants, so that new employees were having to accept the lower terms and conditions that employers offer.

With similar workforce logistics, many clerical union members found themselves in the same similar position when the NZ Clerical Award expired in February 1992, with little power to negotiate on either a collective or an individual basis. COMPASS began organising collective contracts as best it could, worksite by worksite, starting with the largest, then moving on to those with 10-20 clerical members. With penal rates a central item on the Employers Federation's agenda for 1992, a flat rate for every day of the week was being demanded in clerical contracts, even by companies whose staff never worked weekends. For TAB clerical workers, penal rates were important but to secure a contract they had to be traded against an increased base rate. This cost workers an estimated 18% loss in average earnings, with much high losses for parttime workers employed for weekends only. With penal rates gone, Sunday racing was immediately announced.

Other large employers of clerical workers were offering collective contracts that reduced existing terms of employment.

*"An attack on hours and on penal rates, those are the two areas, especially with large employers. It is a moot point whether that is more palatable than not getting a collective contract at all in some cases."*

(COMPASS Organiser, June 1991)

If clerical workers were offered a disadvantageous collective contract, they could opt, under Clause 19 of the Act, to retain existing rates and conditions on an 'assumed' individual contracts, with nothing negotiated and usually nothing in writing. This would mean, however, there was no collective contract for new employees to join.

*"All they'll do is give them a standard form, fill in the gaps, there are your wages, your hours and that's your job. And they have made it very clear they want to make the unions irrelevant."*

(NZCWU Elected Officer, July 1991)

When larger employers were negotiating collective contracts, sometimes on a composite basis with more than one union, COMPASS found that they dealt with their clerical workers last, rather than as an integral part of the workforce with clerical concerns backed by combined negotiating strength. Often employers preferred to



keep just clerical workers on individual contracts. A few large employers were negotiating not one collective contract for the whole company, or one per occupation, but one document per management costing section, which fragmented clerical workers even within their own company.

On some worksites, some members would have preferred a collective contract but workmates had already signed individual contracts, meaning the union could do little for them. If all members then resigned, later union access to that workplace became problematic under the new law<sup>10</sup>. On the other hand, on one well organised worksite, clerical union officials restrained staunch members from ostracising 'free loading' workmates. Under the 1991 Act law, the union was no longer obliged to represent all comers and could quite legally cancel membership or exclude from next year's negotiations anyone who acted against the collective. Union officials, however, saw this as ultimately self-defeating for building future collective solidarity.

*"So we tend to do some of the employer's work in smoothing things over, which is ironic but true."*  
(COMPASS Organiser, June 1992)

In some respects, the clerical unions were one of the few unions which already had experience of this kind of environment. They were used to servicing non-compulsory members not covered by an award and negotiating a range of documents in addition to their large traditional awards.

*"We had a whole myriad of documents to negotiate, the main ones without the one-offs<sup>11</sup> here and there....Our bread and butter and the way we had survived had been doing what most unions are now facing."*  
(NZCWU Elected Officer, May 1992)

COMPASS, for example, had over 1000 members above the exemption rate in 1990 and in 1991 contemplated expansion in this direction. With an eye to voluntary unionism, both Auckland and Wellington clerical unions had set up legal sections

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<sup>10</sup> This was the issue at Pak-n-Save, Morningside, Auckland, where Distribution Workers maintained a picket for over six months.

<sup>11</sup> From the mid 1980s, as well as an increase in industry clerical documents, officials negotiated and registered a number of second tier or enterprise documents for small numbers of members, which generally continued in force without annual renewal.

catering for above-award and non-unionised clients with individual negotiations or personal grievances.

*"We are used to working with people with damn-all rights, though the Labour Relations Act gave the union a few more rights to work with."*

(COMPASS Organiser, Feb. 1991)

The difficulty for unions of both 'user pays' problem solving and acting as a 'bargaining agent' for individual contracts is costs in relation to revenue. Membership of most unions is around \$3-\$4 a week; lawyers acting as bargaining agents charge out at around \$150 an hour. Not only are the philosophy, politics and negotiation of unions based on collectivism, so too are their finances. With voluntary unionism under the traditional labour relations framework, unions' financial viability would have depended on the number of members they could attract and the costs of servicing and representing them.

Under the Employment Contracts Act, with no possibility of multi-employer negotiations, financial viability depended on the number of employers with whom the unions had to negotiate on behalf of the workforce it represented. The distribution and logistics of the clerical workforce put the unions in the position of being unable to negotiate contracts on behalf of a very large proportion of their membership. Only very limited back-up services could now be offered to these members. Because of publicity and education work during the campaign against the Bill, this was a limitation of which members were quite aware.

Because of the conservatism of some office workers and the vulnerability of others on scattered worksites, clerical union officials expected membership losses under any labour relations system which made unionism voluntary. With more organisers, regular workplace visits, better communication and a high public profile on issues of interest to members, they had hoped to lose fewer members than under the last brief period of voluntary unionism.

*"You would have to be stupid not to appreciate that you were going to sustain losses initially. There were people that no matter what you did were not going to be union members."*

(NZCWU Elected Officer, May 1992)

Although awards and agreements were still in force, clerical union membership began to drop drastically in the first few months under the Employment Contracts Act. This came in the form of both letters of resignation and loss of three monthly returns from deductions by employers. Recruitment was also made more difficult as employers were no longer required to supply employment information. Some members on six monthly or yearly invoicing had become unfinancial in anticipation of legislative changes under National, and this increased.

*"It's the problem of the large bill you don't really have to pay, if voluntary unionism is immanent."*  
(NZCWU Staff Official, Dec. 1991)

These membership losses varied between regions because of regional differences in industrial coverage of large, well organised worksites or scattered members vulnerable to employer pressure. The likelihood of award rates being the rates paid, or of higher market rates in the urban centres also affect attitudes to membership. As discussed earlier, in some North Island central city offices only junior staff were under the exemption rate.

There were also differences in membership losses between areas of NZCWU coverage, which can be explained in a variety of ways. Besides having a more geographically compact membership than Wellington, Canterbury covered more Trustbanks, more airport staff and local authority clerical workers on larger more easily organised sites, and more members were paid closer to the award rate than in more commercial central Wellington. As at 2 August 1991, 90% of Christchurch's fees were being deducted and most of their non-deducting members received six monthly accounts. Of 8,081 members, 451 had resigned and 632 members on accounts were unfinancial. In Wellington where only 72% of members were on deductions, 887 resignations were received and 2358 members on accounts were unfinancial out of 10,588 members. Some unfinancial membership would be normal change in labour market participation, but most was as a result of the Employment Contracts Act. Membership by account rather than by employer deduction may indicate an already less than union-friendly workplace.

*"Deductions are pretty good, it's people on accounts. They just throw them in the rubbish tin...Most people we are losing were under the clerical award and they are aware there is not much we can do for them."*

(NZCWU Elected Officer, April 1992)

By 2 August 1991, within the NZCWU regional coverage, Wellington had lost 1,500 more members than Canterbury - a point which contributed to regional tension in subsequent decision making. When losses steadied by about September-October 1991, Wellington nonetheless had more members than Canterbury and Otago together, and still equalled the reported size of the formerly larger Wellington membership of the Engineers Union (Reid 1992:4). The clerical unions were by no means the only unions to suffer considerable membership losses as national awards lapsed.

In all, the membership loss was over 50% for NZCWU. Northern also lost 45% in all, mostly in the same initial period.

*"You got the first rush, then a steady flow and then it got down to a trickle. Certainly we took a huge dive, as did other unions...But in the main I didn't see from the figures that there were any great surprises from what we projected."*  
(NZCWU Elected Officer, May 1992)

It would be logical to expect that losses would be greatest on small worksites which union officials were now clearly less able to service. In fact, size appears not to be a clear cut indication of levels of deunionisation. In late 1991 officials reported that members on large worksites were generally staying or leaving as a group, but only rarely were they joining another union. Some new members were being gained among formerly exempt employees, who now sought the greater negotiating strength of a workplace collective. Many members on small worksites are retaining membership, even without a collective contract, perhaps because of greater vulnerability in the present climate. In April 1992, COMPASS still had around 60% of its membership in workplaces where there were three or less members.

Membership figures give no clear cut answer about reasons for membership losses. With the workload pressure of negotiating under the Employment Contracts Act, there has been no research on clerical workers' own reasons for retaining union membership or allowing it to lapse.

The situation was more complex under the Employment Contracts Act than it would have been with a simple change to voluntary unionism, and considerably different from

the 1984-85 period of voluntary unionism. Since then trade union education and the clerical unions' own activities and campaigns had been directed at improving awareness of the work of unions. Since 1988-89 the labour market for clerical work had tightened, publicity about the Employment Contracts Act had made people aware of their lack of collective protection, there was no longer the blanket coverage of basic award protections for non-members to fall back on, and there were many employment horror stories circulating. While many clerical workers took the long awaited opportunity to leave the union, the 'insurance mentality' of many isolated members had no doubt been strengthened.

Under the Employment Contracts Act, employers were no longer required by law to supply information on employees to unions or to deduct union fees, so the mechanics of membership had become more difficult. Recruitment was not simply a matter of visiting workplaces and asking people to sign up on a voluntary basis. While the employment environment made the need for membership greater, the change to enterprise-only bargaining reduced the unions' capacity to deliver.

*"We have got to be able to say, if you join we will start working towards negotiating your contract. Once you do that you have hours and hours of work and meetings preparing it, a lot of nighttime and weekend meetings."*

(COMPASS Organiser, June 1992)

The workload of negotiations was compounded by the bureaucratic requirements of signed bargaining authorities, additional to membership, and ratification of the final contract.

*"You could spend three weeks negotiating a contract for two people. Two or twenty takes the same time to negotiate."* (COMPASS Organiser, June 1992)

The extreme fragmentation of membership covered by the old award made union involvement in the negotiation of individual or collective contracts for thousands of small offices under the Employment Contracts Act impossible. Although the union could offer all members a suggested standard contract form and later enforcement, the logistics of organising, discussed earlier, meant that only on larger worksites would experienced union officials be able to represent members in negotiations.

*"The reality is we are not going to be able to - we never really have been effective organising ones and twos...We are there if they need us, make sure*

*they have the advice they need, and if they have a problem, come in and enforce it."*  
(NZCWU Elected Officer, July 1991)

## **Internal Tensions**

Difficulties and differences in deciding a response to the impact of the Employment Contracts Act on NZCTU were heightened by tensions internal to the organisation over management, rather than membership. Some of the differences of position between secretaries and executive members about strategic directions, detailed in the next section, were in many ways a continuation of older regional tensions which led to the break up of the NZ Clerical Workers Association, and of disagreements of the organisational form best suited to overcome such regional differences.

*"There is going to be this everlasting argument about who started it, who destroyed the Clerical Association and who didn't want it to work, who made sure it didn't, etc."*  
(COMPASS Organiser, Feb. 1991)

The Association was a federal structure, funded by affiliate capitation. Its two original functions were the negotiation of national awards and to provide a less direct, and therefore more secure, basis for affiliation to the Federation of Labour. From the mid 1980s the Association developed a much stronger political role in response to changes in labour relations legislation and in leading campaigns on women's issues. The additional capacity of a Wellington office and fulltime secretary from 1984, Women's Rights Officer from 1986, research officer and support staff in fact made such a political strategies possible.

A national conference of regional officers and delegates was the highest authority of the Association, but effective decision making power was in the hands of an Executive Council, comprising two officers elected by the conference and the six regional and Association secretaries. The addition of two more Association officers in the late 1980s made the proportion of fulltime paid secretaries to elected, voluntary officers the reverse of that on the executives of the affiliated unions. Increasingly, national policy was something fought out between secretaries at Association level. Although their decisions did not automatically bind local executives, the tail now wagged the dog - provided the secretaries could agree on the direction the tail should wag.

*"They were getting carried away in various areas and forgetting that we were their employers. The National Secretary was trying to tell us what we should do."*  
(Southland Elected Officer, April 1991)

Disagreements centred on four issues: taking national industrial action; Association costs in the face of voluntary unionism; the best means of resource rationalisation through amalgamation; and the priority given to women's issues and Maori issues.

*"Saying the Association wasn't working means that people weren't getting their own way."*  
(COMPASS Organiser, Feb. 1991)

In 1989, Auckland Air New Zealand clerical workers voted to take industrial action. With insufficient membership support at other airports and unwilling to show further industrial weakness after the Clause 13 debacle, the Executive Council voted against national action. Auckland Air New Zealand members were furious at effective action being blocked by union bureaucrats and, through their strong presence on the local clerical executive, passed an 'enabling' motion to disaffiliate<sup>12</sup>. The intention seems to have been to force change within the Association rather than actually leave.

If a National government was elected in 1990, officials expected large membership and financial losses resulting from voluntary unionism. It was recognised that greater efforts to recruit and service scattered members would be crucial to union survival as well as a heavy drain on revenue. Some administrative facilities were being duplicated in Association and affiliated union offices. Ever-increasing capitation was required to finance the Association office, and its political lobbying and campaigns on women's issues weighed less with some secretaries than ensuring sufficient organisers to recruit voluntary union members.

Amalgamation was seen as a means of rationalising resources, but opinions differed as to the best direction for amalgamation: into one national clerical union, or regionally with another similarly situated union, which could rationalise day to day organising in local firms and reflect regional differences. A number of possibilities were explored at

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<sup>12</sup> Clerical union constitutions required that major membership decisions to go to two rounds of usually biannual membership meetings, a process which could be considerably speeded by resolutions which 'enabled' the executive to make a decision on a particular point should the need arise.

this stage, but none eventuated. Other unions were now fully aware of the logistical difficulties of organising the clerical workforce.

*"Nobody wanted us basically, we were not seen as an attractive proposition at all."*  
(COMPASS Organiser, Feb. 1991)

The fourth area of difficulty was less openly fought out and is raised here much more tentatively. In a number of accounts reference was made to attitudes or perceived attitudes of sexism and racism. The main push for women's issues had always come from the strong feminists in Wellington. Both the Association and the Central union had women's officers; in 1989 the Association established a permanent Women's Committee. While all unions recognised the importance of women's issues to their female memberships, more conservative areas, or more conservative officials, did not necessarily give high priority to such issues.

The Northern region's Maori secretary increasingly prioritised Maori issues. The clerical unions' Maori and women officials had been key players in securing specific representation for women and Maori in the NZCTU. While Central favoured Maori and Women's representational structures for the clerical unions themselves, Northern considered this tokenism and implemented the Treaty of Waitangi directly through its hiring policies. By the mid-1980s, the Association's President (and Canterbury President) and Vice President (and Northern executive member) were both extremely politically active Maori women. This gave the executive council three Maori out of eight members.

*"That was quite delightful because you had a mover and a shaker, whereas before you could move something and never get discussion on it."*  
(CWA Elected Officer, Aug. 1991)

While a lobby for Maori issues in no way affected award negotiations and members' rates or services, it did strongly influence policy and the clerical unions' inter-union stance. With the dissolution of the Association, this powerful influence at the national political level was gone, as were the positions at national level of those Maori elected members. In fact, the Canterbury office went so far as to write to the NZCTU disassociating itself and clerical workers from statements made on behalf of Maori workers by its own ex-President.



*"I wondered how much of it (dissolution) was racist. Deep in my heart I felt it was, because people realised then that things Maori could actually be moved through the Association."*  
(CWA Elected Officer, Aug. 1991)

Amalgamation into a national union was under discussion, particularly among the South Island unions, when Northern passed its enabling resolution, threatening disaffiliation. Instead the Central, Canterbury/Westland and Otago unions went rapidly ahead with amalgamation into the NZCWU.

*"When you make a decision to amalgamate you have got to do it fairly fast, had it all tidied up by 1 August (1990)."*  
(NZCWU Elected Officer, April 1991)

This action dissolving the Association seems to have come as a shock to Northern. In one view, the NZCWU was a first step towards one national union, but this was unlikely to eventuate. Northern was known not to be interested in a national structure which would give them less, not more, regional autonomy, and did not accept that it would bring greater efficiency. It had the numbers to stand on its own and considerable assets with which to face voluntary unionism.

*"Selfishly but understandably there was concern that the assets that had been built up would be frittered away by people who had really played no part to building them up...to build an organisation in Wellington."*  
(COMPASS Officer, Aug. 1991)

Nor did Southland join in the NZCWU. Although not against amalgamation, this was going too far too fast. In amalgamating, Otago lost its position of secretary to Christchurch. In both Otago and Southland there was resistance to decisions affecting local people being made yet again in Wellington.

*"There are times when I don't see the need for amalgamation when everyone is working well together. There is a fault, when you amalgamate you centralise...Frankly, I think they concentrated too much on the administration side instead of the organising side."*  
(Southland Elected Officer, April 1991)

Officials of the new NZCWU thought there were disadvantages in being too small.

*"If you stay too small you go back to what we were years ago, didn't have education officers, didn't have research people...and the organisers had to do all those jobs. Its impossible to do it well."*  
(NZCWU Elected Officer, April 1991)

Another view was that the move from the federated form of the Association to full amalgamation was driven not by the clerical unions' own needs for more effective organisation, but from an ideology within the trade union movement that 'bigger was better'. This related to the corporatist thinking behind the NZCTU's agenda for sector unions.

*"The reasoning behind the amalgamation was CTU manipulated and some of our brightest academic people in the clerical unions bought it...So destructive to do away with the Association and have nothing to coordinate across the country."*  
(CWA Elected Officer, Aug. 1991)

The clerical unions already had access to specialised skills under the Association structure. The difficulty was to find a form which provided efficient sharing of resources and effective joint decision making while allowing for regional differences and respecting regional autonomy. The growth of the centralised role of the Association, although politically effective, led to a tussle over control which broke the loose federal bonds. Experienced and valuable staff were lost and redundancy payments totalled \$215,000. Although the three unions continued to cooperate and to work on national award negotiations, the single political voice on legislative or trade union matters was gone. However, exactly similar regional tensions, inflexibility and power plays continued within the amalgamated NZCWU, contributing to similar destruction.

During 1991, while old awards and agreements still continued in force, a great deal of the energy of the NZCWU's secretaries was spent in internal discord over problems of management style and disciplinary action against staff members in Dunedin and Canterbury. At the heart of the problem was the fact that the clerical unions' coverage of union employees meant they also represented their own employees.

The dispute arose initially from disciplinary action by the male Industrial Secretary against two Dunedin organisers after they had been charged by police for writing graffiti on the wall of a local employer who publicly supported the Employment Contracts Bill. The senior organiser was eventually dismissed. Such off-duty actions are not unheard of among unionists, but this secretary saw it as bringing the union into disrepute, although names were suppressed and conviction was by no means

certain. When two Canterbury organisers called a stopwork to discuss the matter and were forbidden to do so by the secretary, the dispute escalated; personal grievance procedures were instigated against final warnings. A similar meeting of clerical union organisers in Wellington had been acceptable to Wellington secretaries, who made efforts to contain escalation of the Christchurch dispute.

Each of regional clerical unions had a registered staff agreement with its own employees. In early 1991 a NZCWU management staffing committee, comprising officers representing the former Otago, Christchurch/Westland and Wellington unions, was still negotiating the details of an amalgamated staff agreement. This committee confirmed the secretary's disciplinary action by a majority vote. Personal grievances against the final warnings were taken to the full executive and the union's position was confirmed, again by majority vote rather than unanimously. The secretary cited in the personal grievance against unwarranted warnings was involved in each level of union decision making about the dispute. Because the union's conciliation procedure allowed no appeal to independent arbitration, the two Canterbury organisers eventually took the case to the Labour Court and the dispute became public. They lost. Quite apart from the ruling, this move to the public arena was highly controversial among unionists, seen as a matter of industrial principle by some and by others as damaging to an already beleaguered union movement.

The dispute also generated tension between the Wellington and Canterbury secretaries. Efforts by the Wellington secretaries to resolve the dispute, and unfavourable evidence given by them in the adversarial setting of the Court, were seen as interference and disloyalty by the Christchurch secretaries. The 'right to manage' underlay subsequent proposals for a regionally looser, more hierarchical structure for the NZCWU.

*"The Wellington union wants to get completely involved in the local running of our union. When we had this court case they came down and actually gave evidence against us."*  
(NZCWU Elected Officer, April 1992)

Following NZCWU's membership losses in the first few months under the Employment Contracts Act, proposals were made for retrenchment, staff reductions and restructuring. The four-secretary structure which shared decision making power was

now criticised as top heavy and extravagant. A downgrading of the Administration Secretary and Women's Secretary jobs was agreed, leaving one industrial secretary in Christchurch and one in Wellington. This streamlined, more hierarchical structure also involved a degree of separation to allow more regional autonomy on management and finances. This was argued for on the basis of greater membership losses in Wellington than in Christchurch.

These proposals put forward by the Canterbury Industrial Secretary were difficult to counter in the face of revenue losses which clearly required retrenchment and staff redundancies. Secretaries dedicated to the survival of the union felt unable to argue for their own jobs to be retained on the basis of feminist principles of collective decision making and flatter hierarchies. However, they saw clearly the advantages of the plan for the greater regional management control sought by the male Canterbury industrial secretary.

In late 1991 an executive meeting agreed to the cutbacks and restructuring in principle. NZCWU's auditors assessed the situation of the union under proposed staff cutbacks and restructuring and considered that with lower membership numbers the organisation still financially viable, with certain important provisos of reorganisation.

### **The Demise of the NZ Clerical Workers Union:**

#### **(Did it jump or was it pushed?)**

The impact that the Employment Contracts Act would have on the clerical unions was fully appreciated by NZCTU leaders. As membership losses began, a July 1991 letter from the NZCTU Secretary proposed a 'managed distribution' of NZCWU members to other unions. This was in line with the plan of NZCTU officials to reorganise the union movement on an industry or sector basis (NZCTU 1989a; Harvey 1992:66). The letter laid out where union coverage of NZCWU's membership groups should go - with the notable omission of unions' own organisers and support staff.

Some of the suggestions seemed of doubtful logic to clerical officials. South Island local authority clerical staff were to join the union of a smaller number of Local Body

Officers. Airport clerical staff were to join the Engineers Union although they outnumbered Engineers' members at most airports.

*"Where is the sense in carving up the clerical union to put us in a union that is smaller than ours?"*  
(NZCWU Elected Officer, Aug. 1991)

Although the larger well organised industry groups could clearly be well taken care of under the plan, there was little to suggest that smaller, scattered industry groups, or the 50% of the NZ Clerical Award members who had no other unions on site, would be in fact be better organised or their interests better represented by other unions. The 'managed distribution' would not solve the logistical problem of organising and negotiating under the Employment Contracts Act which was likely to deunionise a large proportion of the clerical membership.

*"To me the important thing is to keep as many of our members as possible unionised. If the CTU plan is right and carving up does that, then I will go down that track but I don't believe it will."*

(NZCWU Elected Officer, April 1992)

In September 1991, membership and revenue losses were reported at a round of membership meetings. An enabling motion was then put forward, and agreed by most of the September membership meetings, allowing the executive<sup>13</sup> explore the NZCTU's proposition further.

It was at a September meeting of the executive that the details of NZCWU restructuring to facilitate retrenchment and greater regional autonomy were to be worked out, following agreement in principle at the previous meeting. It was at this meeting, however, that top officials of the NZCTU presented themselves to facilitate their own proposal, for the disbanding of the union and the 'managed distribution' of its members to industry unions. The decision to disband the union was very much at the instigation of NZCTU officials, strongly facilitated by the Canterbury industrial secretary who was in constant contact by phone and fax during this period. In the view of one executive member:

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<sup>13</sup> Comprising a president, two vice-presidents and nine district representatives, and the four secretaries. Although since the 1987 Act all were elected positions, secretaries had fulltime paid positions while others were ordinary clerical workers acting voluntarily.

*"The whole blueprint was signed, sealed and delivered, practically. It's like a kick in the teeth."*  
(Dominion Sunday Times, 1.12.91)

The executive was split on the difficult decision. Some executive members, unsure that membership numbers had stabilised, felt that dissolving the union before it slid into massive debt was the only responsible course. Negotiations with other unions should commence for proper representation and smooth transition of members while this was still possible and deunionisation could be minimised. For others, the 'managed distribution' itself was irresponsible since it would mean deunionisation, particularly of members formerly covered by the NZ Clerical Award, many of whom could not be easily reassigned. In a vice president's view, the decision 'had been steamrolled through by union secretaries in conjunction with the CTU, and was not in the best interest of members' (Dominion Sunday Times, 1.12.91).

However, the executive decided by majority vote for dissolution and the NZCTU proposal. While most recognised the decision as necessary, some continue to have doubts, and certainly regrets.

*"Had we perhaps not rushed or gone with the knee jerk reaction as much as we did and sat it out for longer, things might well be different now. I still think there was a place for a clerical union or some organisation that serviced members in that area."*  
(NZCWU Elected Officer, May 1992)

Ironically, because of membership dissatisfaction with leadership about the Employment Contracts Act, at a previous round of meetings the membership had 'enabled' the executive to withdraw from the NZCTU, should they so decide.

*"It never got to that, but it had come up several times at quarterly meetings, a lot of our members knew we were sidelined and didn't see the relevance of being affiliated when it cost us so much...it came up time after time."*  
(NZCWU Elected Officer, May 1992)

It is also to be noted that, in the auditor's financial assessment and in the later wind-up, one of NZCWU's creditors was the NZCTU, to whom it owed \$34,000 in levies. The administration secretary had not transferred this in view of the NZCWU's financial situation and doubt about continuing affiliation.

The winding up of the union and the manner in which union's own employees were dismissed was a subject on which a great deal of distress was expressed in the last interviews with NZCTU officials. Some staff openly disagreed with the decision to dissolve the union and management-staff tensions about the recent dispute led to staff being treated with extreme distrust in the winding up process, despite their demonstrated willingness to make personal sacrifices for the union. It was at this point that some Wellington staff first approached another union in the same building, the Manufacturing & Construction Union, for advice and the independent representation that was not provided by the clerical unions' staff agreement.

One of the auditors' provisos with regard to the union's financial viability related to redundancy. As is usual practice, the auditors balanced liability for possible redundancy payments against the organisation's assets. Staff were asked to vote to drop redundancy payments from their staff agreement to assist the future viability of the union. On principle, Wellington staff voted against this, but on the understanding that they would agree with the majority decision which was in favour. Despite this and the auditors' assessment of organisational viability with a reduced membership, the decision to disband was made. In the final wind-up, Wellington staff in fact acted to ensure that staff of all regions were treated equally, in the face of an attempt by management to deny redundancy entitlement to those who had earlier signed waivers in order to help avert dissolution.

The actual dismissal of staff attracted adverse media publicity, particularly in Wellington. Two days before Christmas staff in Wellington, Christchurch and Dunedin were called to synchronised meetings at which they expected to be given notice of redundancy effective at the end of January. Instead, they were told by the Industrial Secretaries to hand over car keys, clear out desks and leave immediately, ostensibly on the instruction of the auditors. Since final payment cheques included neither wages in lieu of notice nor redundancy, as management prioritised payments to trade creditors, Wellington organisers retained the cars until early January. In this wrangle, the Manufacturing & Construction Union which was advocating for Wellington staff and management called on the mediation of NZCTU officials, who as trade creditors at this

point waived their capitation levies. Redundancies entitlements and payments took several months to be resolved.

Response and media attention was less strong in Christchurch and Dunedin as word about the purpose of the meeting had leaked to some staff; organisers no longer had possession of cars and some had already resigned or moved to other unions. The shock was greatest to clerical staff.

As with earlier union management decisions about disciplining staff, the union's representative structure spread decision making power between Christchurch and Wellington offices, between four secretaries and, with respect to final decision making, between executive members spread across half the length of the country. In decisions where the best course of action was not easy or clear cut, the balance of opinion between decision makers shifted as the situation and the debate developed. The decision to dissolve was unusual in that it involved strong input from leaders of the NZCTU; that is, the wider politics of the union movement and labour-capital positioning were brought into the internal decision making processes of the NZCWU. At no point were union management and executive opinions undivided, but majority decisions were reached, as in all organisations, by a essentially political process mediated by personalities.

Despite earlier differences of position, the three women secretaries all spoke in later interviews of misinformation, misrepresentation and secretiveness on the part of the Canterbury industrial secretary<sup>14</sup>, much of which only became apparent after the dissolution of the union. This distorted communication and undermined trust between staff in Wellington and Canterbury about who was supporting who or what, or where and how decisions were being made.

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<sup>14</sup> This secretary departed on 11 January for a short term with an Australian insurance union. Other officials later learned that the travel arrangements had been made six months previously and that he then took up a three month NZCTU study grant to Britain.

"He had his agenda, we had other concerns and the CTU was able to push their plan through."  
(NZCWU Elected Officer, May 1992)



While acknowledging the expertise and helpfulness of NZCTU officials in winding up the organisation and reallocating union responsibility for its industry membership groups, NZCWU secretaries interviewed later saw the NZCTU's role as by no means benign. It was all part of the long standing plan of CTU leadership for reorganisation of the union movement into industry, then sector, unions.

*"The ulterior motive was still there, it was very apparent to me...After the introduction of the Labour Relations Act the CTU plan evolved...We were saying we still reject your idea, these women still need (occupational) coverage, because they are women, and because the sort of work they do is important. So we were sidelined right from there."* (NZCWU Elected Officer, May 1992)

With bargaining restructured on an enterprise basis and the shift toward a more ad hoc version of sector unionism authorised in principle by a Special Affiliates Conference in April 1991, the clerical unions no longer fitted the mould. Since NZCTU officials considered that some clerical 'industry' groups such as the Trustbanks and school secretaries would shift to sector unions, in their view:

*"There wasn't a core membership that could form the foundation of that, that could stand alone and resource itself."* (NZCTU Official, May 1992)

A still less benign aspect of this restructuring along industry lines, in the view of the women secretaries, was that it was promoted largely by unionists who in the past had opposed clerical officials on feminist issues raised in the Federation of Labour. In particular, they had opposed the specific representation of women and Maori in the formation of the CTU structures.

*"Industry unionism, carving up the clerical unions into industry bits, has been on the agenda since 1987. They never liked all those feminists in the clerical."* (NCWU Elected Officer, April 1992)

The disappearance from the movement of prickly feminists with unorthodox tactics may be a personal side-benefit for some old-style unionists, but the dismantling of the NZCWU seems unnecessary to have achieved this. Membership losses under the Employment Contracts Act would have ensured that surviving and viable clerical unions would no longer had the voting power to back their dissenting views, inside or outside the union movement.

The Employment Contracts Act disarmed not just the power of the clerical unions but of most of the private sector feminist opposition to mainstream union strategies, and of opposition from similarly placed, low paid male dominated unions such as the Labourers' Union. A shift in balance was demonstrated at the July 1992 NZCTU conference when arbitration on disputes of interest was dropped from policy on a future labour relations system. A remit on arbitration was narrowly defeated on a membership card vote, an outcome which reflected membership losses from the Employment Contracts Act and the dissolution of the NZCWU. The NZCTU has chosen an labour relations direction which reflects the position of its financial members, rather than its potential members, unemployed workers or the working class as a whole.

### **Carving Up the NZCWU**

Following the decision of the NZCWU executive, the initial 'enabling' resolution on NZCTU's proposal to redistribute the membership among other unions was followed up with a mail ballot of members to confirmed the executive's position. The ballot form was accompanied by a six page leaflet explaining how the 'managed distribution' would work. This was written by the NZCTU, with supporting statements from NZCWU's president and two secretaries. It took its starting point from the 1989 plan for sector unionism, rather than the various awards and agreements covering the members concerned.

This was followed by the two rounds of membership meetings constitutionally required to vote on disbanding the union. They were publicised merely in the public notice columns of newspapers, not through membership or delegate mailouts. Around 10% of the membership participated in these votes. The first meeting was in December; the second was in the second week of February, by which time members were voting on a fait accompli.

The NZCTU gave considerable helpful assistance in the winding up of the union and in the 'managed distribution' of members. From records which were not as up to date as had been believed, letters were sent to members suggesting what union they

should now join and information on members was passed to those unions. Fully occupied with negotiations under the Employment Contracts Act and membership losses for their existing coverage, other unions were not swift to take up the opportunity to recruit clerical workers, particularly those on smaller worksites. Ironically, the clerical unions' arguments about the reality of their organising situation seems to have been now clearly understood by organisers of other unions, if not by policy makers.

By June 1992 responsibility for negotiating on behalf of NZCWU's industrial groups had been transferred to other unions. FINSEC, who had tried to acquire ASB coverage in 1991, were keen to pick up the Trustbanks. Both NZCWU and COMPASS had been strongly against this in the past, as it would affect the clerical unions' financial viability and their ability to service their more scattered membership groups.

*"Because if we don't cover the ones and twos, nobody else is going to. If you remove that bulk revenue from us, then you (COMPASS Organiser, June 1992)*

FINSEC was much less interested in NZCTU's suggestion of taxi-telephonists and rental car clerical workers. In the last days of winding up NZCWU the Administration Secretary referred a Datacom clerical member on to Finsec, only to be phoned back because Finsec 'had not yet decided if it was worthwhile' to organise a workplace with only 9 members.

*"They don't want the rump<sup>15</sup>, they just want the ones where they can do a delegate structure like they do in the other banks. 'Oh yes, we might look at them later, we are not interested at this moment' (NZCWU Elected Officer, Aug. 1991)*

*"The large ones worksites, yes, everyone was thinking it would be wonderful to pick up their own flagging memberships." (COMPASS Organiser, June 1992)*

At the airports, only Ansett members voted to join the Engineers Union. National coverage of Air New Zealand and Mt Cook has remained with a clerical union, COMPASS. Regions south of Taupo are to receive routine servicing by the SWU, which COMPASS is now joining. The SWU also picked up negotiating national

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<sup>15</sup> A reference to a public remark by an NZCTU officer about the workers being most affected by the Employment Contracts Act being 'the unorganisable rump' of the union movement (see Chapter 10). This was mentioned by feminist unionists in several interviews for the case studies.

enterprise contracts for the TAB and clerical workers in licensed hotels. It is attempting to negotiate on behalf of answering services, taxi telephonists and rental cars, but in most cases only regional contracts are acceptable to employers. Clerical workers now part of SWU, including those in hotels, will be part of the COMPASS division of SWU until members decide otherwise.

Medical receptionists are being covered by NZNU, who have been able to negotiate a multi-employer contract with GPs for practice nurses but not for receptionists. Clerical workers in hospitals moved to PSA. The Distribution Workers have included clerical workers in retail enterprise contracts where possible; some have preferred to go to COMPASS. Although already involved in composite negotiations, clerical union members in schools had rejected amalgamation as a section within an Education Sector Union proposed in 1991. Now NZEI picked up negotiation for school secretaries in NZCWU's region, and a few months later they were joined by school secretaries in the remaining regions. Canterbury/Otago local authority clerical members were reluctant to follow the NZCTU direction to join the Local Body Officers Union. They were very conscious it meant joining the union of their managers, who in 1990 had kept them at a 2% wage increase while giving themselves 10%. Some Canterbury clerical members were reluctant to have their negotiations passed to the SWU which there comprised only the Cleaners & Caretakers. Now the Employment Contracts Act offers employees choice and freedom of association, it is clerical workers themselves who decide whether they will move to another union and which it will be, or if each individual will be a union member at all.

*"Pure ideology is what's wrong with it as far as we are concerned. It looks fine on paper but it doesn't serve the interests of women workers to get lumped in with an industry if in fact that's not where they identify."*

(COMPASS Organiser, Feb. 1991)

At September 1992 it was still unclear how well the 'managed distribution' of NZCWU members had been implemented in terms of actual numbers recruited and contracts negotiated. Little data collection and research was being done, either by the government (Harbridge & Moulder 1992) or by individual unions now overstretched and under-resourced with the impact of the Employment Contracts Act. The transfer of the well organised industry groups on large worksites or working for single national

employers appears to have been relatively smooth. A few NZCWU organisers have been part of the successful transfer to another union. Others have found jobs, temporary or permanent, with other unions independently of the NZCTU plan.

That a clerical worksite fitted a particular industry category did not ensure that the relevant union would be able to negotiate a collective contract for them, with or without other workers. With the fragmentation of awards into enterprise negotiations, all unions were having great difficulty achieving successful simultaneous negotiations for all their worksites, and it was logically the larger, already organised worksites or employees of large national companies that received priority.

*"Some unions may well be good agents for our clerical workers, some unions that are female dominated anyway - I am thinking of the retail awards - that may mirror our concerns and our policies. But that doesn't mean they will be able to negotiate or progress our members' wages and conditions any better."*

(NZCWU Elected Officer, Nov. 1990)

Nor had the NZCTU proposal a solution for the bulk of the clerical membership formerly covered by the old NZ Clerical Award who work in small workplaces which do not fit readily with the memberships of existing industry unions. Unofficial data on collective contracts collected by the Industrial Relations Centre at Victoria University (Harbridge & Moulder 1992) suggests that these clerical workers are likely to be among the 300,000 estimated employees who had dropped from coverage by collective negotiations by May 1992. This was the area of greatest membership loss by the two remaining clerical unions, who were struggling to negotiate contracts worksite by worksite. Although COMPASS and Southland have negotiated collective contracts for some larger worksites formerly under the NZ Clerical Award, they have had very little success negotiating national enterprise contracts which would include NZCWU's area.

The bulk of the membership formerly covered the NZ Clerical Award in NZCWU's region have dropped from union membership, not necessarily voluntarily but through the combination of the Employment Contracts Act and the dissolution of the union in their area. The minority view of the NZCWU executive that disbanding would lead to massive deunionisation appears to be correct.

The best that is available to these clerical workers is the possibility, as amalgamation goes ahead, of national coverage by the SWU on behalf of their COMPASS division in the northern region. SWU was the union most willing to absorb NZCWU's smaller industry groups of membership, with one notable exception.

*"The SWU were keen to pick up bits but they definitely didn't want the union staff. In fact, nobody wanted them."* (NZCWU Elected Officer, May 1992)

## **Organising the Organisers**

An offer to cover union organisers and any other unionised clerical workers did come from the Manufacturing & Construction Workers Union (M&C). At the time of dissolution, clerical union staff were under pressure about redundancy waivers and holiday pay, but also by what was required of them in their job at that time. Clerical organisers approached the M&C for an external person to represent them:

*"They found that their membership of the union which was also their employer left them in an impossible position. They were being told to go out and promote the breakup of the clerical union. They didn't agree with it but if they went out and said something different they could be liable for dismissal."*

(M&C Elected Officer, May 1992)

Organisers and clerical staff of other unions also made informal approaches to join, should the NZCWU which covered them be dissolved. At May 1992 about 50 union organisers and clerical staff had joined.

In Palmerston North, two women organisers upset at the disbanding of the NZCWU set up an Administration & General Workers Union in Palmerston North. Established with 80 members, it had 120 by February 1992, and around 200 by early 1993. Its members were mainly women, mainly in legal offices and in manufacturing, many of whom had been excluded from the collective contract negotiated at their workplace. This union offered to join the SW2U along with COMPASS and SOUTHLAND in mid 1992, but appeared to be regarded as competition - perhaps because the connection of its former NZCWU organisers with M&C. Another NZCWU organiser set up 'Top of the South' from the remnants of the Nelson clerical union which had amalgamated with Central in the mid 1980s. These two unions amalgamated in late 1992, becoming part of the M&C. The Nelson clerical organiser acts as local agent for other M&C

sections, while in Palmerston North two male organisers, one parttime, jointly cover by M&C and Administration & General members. The women organisers had, like a number of other clerical union officials, found employment with public sector unions.

*"The PSA has benefited greatly from the collapse of the NZCWU."*

(PSA Official, Jan. 1993)

M&C's offer to represent union employees was extended to any clerical worker who wished to join, without infringing on COMPASS' or Southland's regions. The Palmerston North union joined in late 1991. M&C's exception to territorial respect was an offer to cover all SWU union staff: as COMPASS was about to amalgamate into the SWU, SWU staff in the Northern region would otherwise be represented industrially by their own employer.

This solution to the gap in the 'managed distribution' plan did not meet NZCTU approval, as M&C was not an affiliated union - in fact, it had been strongly opposed to NZCTU strategies. M&C resulted from a 1988 amalgamation of 11 organisations including Shipwrights, Moulders, Coachworkers, Boilermakers, Pulp & Paper and Optical Technicians. The historic reputation of some of these craft unions for dissent and militancy is formidable.

*"We are not a friendly union, we don't care whose toes we stand on."*

(M&C Elected Officer, May 1992)

It might reasonably be thought that their 'culture' would not match that of ordinary clerical workers. However, that is not true of all sections of the union. The coachmakers at one stage had around 30% women members and have adopted policies on women's rights, including pay equity, abortion and no pornography in the workplace.

*"I suppose others have been critical of it in the past about its chauvinistic attitudes, the boilermakers... Personally I hope it will have a radicalising effect on our union."*

(M&C Elected Officer, May 1992)

Because of strong craft identities, the M&C operates under a very loose structure of autonomous occupational groups, 'a sort of federation structure but within one union.' Policy and structure are decided collectively and unanimously, but each occupational group runs its own industrial affairs, and, given a certain size of membership, also

controls its own revenue and expenditure - unlike the proposed COMPASS division within SWU, discussed below. As a matter of principle, M&C officials are paid at the same rate as a Mitsubishi tradesperson: around 60% of the 'top of the range' salaries paid to Engineers Union organisers, the union of general coverage for manufacturing and construction industries.

COMPASS and Southland continue to represent trade union staff in their areas and will work with M&C on composite contracts. Some other union staff, mainly in the state sector, are, on NZCTU officials' suggestion, now represented by the Post Office Union.

*"The NZCTU don't like (the situation) at all, but they only have themselves to blame because they would refer nobody to us, right through this whole debacle."*  
(COMPASS Staff Official, June 1992)

### Joining the Service Workers' 'One Big Union'<sup>16</sup>

The collapse of the NZCWU came as a shock to the other two clerical unions. They knew about NZCWU's membership losses and were suffering similar losses themselves, but, no longer bound together by the old Association, they were not consulted in the decision to dissolve. The disappearance of the NZCWU affects their own ability to persuade employers to negotiate collective contracts.

*"We had this sudden void from Taupo down to Invercargill, simply had no coverage and we thought, good god, this is going to make things really difficult for us up here."*  
(COMPASS Organiser, June 1992)

In the new negotiating situation, COMPASS had enough problems in its own region to over-stretch its capacity without compete with the NZCTU plan for redistributing NZCWU.

*"We have said in the regions where the NZCWU used to be, especially retail, we won't recruit. If they come to us, we will refer them back. But at the end of the day if they want to be with us, then surely the bottom line has got to be maximising unionisation."*  
(COMPASS Organiser, June 1992)

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<sup>16</sup> Early this century 'one big union' was the goal of what the Red Feds called 'industrial unionism' (Olssen, 1988), meaning the organisation of the working class through unions rather than through political parties, which they regarded with scepticism.



Membership losses of around 45% of membership forced COMPASS to cut back drastically on its organisation. From 13,828 in February 1991, membership fell to around 7,000 in June 1992. By mid 1992 only 4 organisers remained, with a much smaller support staff. There was no longer an educator and the new legal department of two officers set up in early 1991 was also gone. Trimmed back, the union was a viable organisation. A financial membership would make it about the same as NZNU in 1990, although with considerably worse workforce logistics.

*"We could survive independently, but if we did that we would run the risk of it becoming a purely a bargaining agent instead of a union."*

(COMPASS Organiser, June 1992)

Between 1991 and mid 1992 COMPASS reassessed its direction for the future. In early 1991 it was set to pursue a 'more market' approach at the higher end of the clerical labour market, including 'user pays' services to non-members on individual contracts. Feedback from current members, however, was against this. Despite the 1990 market research survey, active members were keen to retain the word 'union' with the new name. Although acting as a bargaining agent for individual contract negotiations on a 'user pays' basis...

*"..could be a lucrative way of supplementing income, but we are so busy with fee paying members...We have made the conscious decision that we are a union and we want to remain a union."*

(COMPASS Organiser, June 1992)

Research on the proliferation of new non-union bargaining agents (Boxall & Haynes 1992) suggests that it was employers rather than employees that were using their services. The necessary pricing structures for individual legal work are unlike to appeal to great numbers of clerical wage earners, compared to a \$3-5 a week membership fee.

With the decision to focus on collectivism rather than other means of organisational survival, COMPASS began to explore more seriously amalgamation with other unions. Their choice was the SWU as the largest local union for low paid occupations. At the other end of the country Southland also joined SWU. Groups of NZCWU membership picked up by SWU have become part of a 'COMPASS' division within the union, providing a skeleton national structure for clerical workers. Some regional organisers have been given responsible for routine servicing of these clerical members, with

back-up clerical expertise from COMPASS or Southland when necessary. COMPASS officials feel it is a matter of training SWU organisers in the ways of clerical workers and visa versa; that it is a matter of culture and approach.

*"We still believe, and we think we have been proven right, that clerical workers want their own identity. Now that may be snobbery in some cases but....we know the culture of clerical workers...If that is what they are, that is what we have got to represent, so it is important."* (COMPASS Organiser, June 1992)

With full amalgamation in July 1992, clerical workers formed a COMPASS division of SWU, alongside the Health, Hospitality and Catering, Education, Commercial Service, Performance and Entertaining division, with an Community Services also proposed. Each division has industrial autonomy but resources, management and general policy are under the control of regional executives and a national executive, made up of regional presidents and secretaries and representatives of standing committees of women, Maori and Pacific Island members. Regional executives have one representative specifically elected by each division; but the national executive of regional presidents and secretaries may or may include a clerical worker.

The advantages of amalgamation for the remaining two clerical unions are chiefly financial. There are savings in sharing a building, and sharing accounting, administration and support costs. More surprisingly, savings from no longer having their own executive meetings was also cited as an advantage.

*"There won't be an executive and that's a fairly expensive operation."*  
(COMPASS Organiser, June 1992)

Amalgamation as a division of SWU represents considerable loss of autonomy for COMPASS. However, officials feel that clerical identity and industrial autonomy will be retained under the new structure and that is important to their members. They point out that although, say, clerical workers in large accommodation hotels may one day decide to shift to the hospitality division, only clerical workers can make that decision and only clerical workers may disband or change the COMPASS division.

This amalgamation raises interesting complexities with regard to the representation of union staff. COMPASS covered SWU clerical staff, who on amalgamation became represented by their own employer. Northern SWU organisers already belonged to

their employing union; some are now likely to join M&C along with SWU organisers and clerical staff formerly covered by NZCWU. In mid 1992 a staff contract was negotiated jointly by COMPASS and M&C with SWU, to cover both organisers and support staff despite SWU's initial request for separate contracts. Although COMPASS is now part of SWU, COMPASS officials feel comfortable representing SWU's own organisers and staff. Any personal grievance will go before a mediator for a binding decision, with no right of appeal which would take it into the public arena.

This, however, is the exact situation that the two Christchurch organisers found unsatisfactory in 1991 and was equally unsatisfactory for other staff at the time of NZCWU's dissolution.

### **Conclusion: The End of an Era**

The 1989 breakdowns in award negotiations demonstrated clearly the importance to low paid women workers of state supports to the bargaining power of industrially weak unions, and the effects that further labour market deregulation under the Employment Contracts Act, 1991 would have on women workers.

Because of the extremely scattered nature of the clerical workforce, working closely with employers, industrial action to back award negotiations is less easily organised and carries greater personal risk than for the occupations in which classic union tactics developed historically. Workplace organisation through delegates is problematic, because of the scattered distribution of clerical union members among many small firms. These difficulties in union organising were exactly the reason why clerical award rates were so low and clerical skills remained undervalued. It is also why in most OECD countries private sector clerical workers have no unions and no means of negotiating minimum rates or conditions in the market for their labour.

A way around these structural limitations to unionisation and bargaining by clerical workers was provided from 1936 by a particular package of state supports which strengthened the position of industrially weak unions. Clerical union officials became adept at working within the arbitration framework to secure benefits for their members.

Extreme workforce fragmentation meant that most clerical union members were not well organised on worksites or active participants in their union, but the award system enabled union officials to organise the market for clerical labour.

This focus on institutional mechanisms protecting clerical workers may seem to support the neo-liberal view that state intervention has distorted the natural workings of the labour market to prop up an inefficient organisation. On the contrary, the clerical unions have been highly efficient in pursuing their goals through maximising strengths and minimising weaknesses. The strength of their large female membership was utilised through political rather than industrial strategies.

As feminists moved into decision making positions in the clerical unions, they recognised the gender of their members as central, not incidental, to clerical work. The fact of a predominantly female membership helped them to construct a set of collective interests which provided new strategic possibilities. Issues and tactics were developed which had their origins in the women's liberation movement and in feminist analyses of women and work. Feminists becoming actively involved in the clerical unions saw that union membership could be made more attractive to women by raising issues of concern to them as women at work. New areas of activity included union education and consciousness raising for women members; support for issues like childcare, fertility control and parental leave; confronting sexual harassment in the workplace; and revaluing women's skills in wage negotiations.

The political power of the large membership was harnessed to raise the priority of these issues on the agenda of both the union movement and the Labour Party. By championing issues which had wider application than just their own members, they harnessed the political power of the wider women's movement and its organisations. By moving outside the restrictive labour relations framework, they used the power of the state, through legislation, to force employers to implement changes which could not be achieved through direct negotiation.

*"When it came to issues that you could get the public behind, we were in the forefront and people were listening to us."*

(NZCWU Elected Officer, July 1991)

Part of this strategy involved changes in policy and in structures in the collective institutions of the union movement. Success in this was limited, however, by the adoption of strategic directions by the union movement which were better suited to the labour market position and classic union tactics of industrially strong male dominated unions. These differences in strategy are discussed in Chapter 11.

The absorption of NZCWU's more easily organised sections into other unions was part of a strategic plan by the NZCTU to restructure the union movement on industry lines. In response to the predicted deunionisation of other clerical members, NZCTU proposed extending the Minimum Wage Act as a protective minimum code of workers' rights. In the view of NZCTU leaders, that was all the clerical unions ever provided for much of their membership.

*"I would argue that a lot of those people were never unionised, they paid subs...what they got was a union enforcement agency...I don't think they were unionised in the classic sense of being part of a collective."*

(NZCTU Elected Officer, June 1992)

Clerical officials were the first to admit the limitations imposed by clerical workforce logistics, but saw their alternative strategies as successful, both in responding both to their situation and to the problems and culture of their predominantly women members.

*"There is no way in the world that the clerical unions could ever, under the old system or now, organise completely all the people that are members. But I think we did a hell of a job."*

(COMPASS Organiser, June 1992)

What the clerical unions were able to do under the traditional labour relations system was **not to organise the members, but to organise the market for their labour** in both traditional and new ways. Officials focused on the identity of their members, as women, and as workers who were often vulnerable to employer pressure and often alienated from 'classic' union tactics. Though many members regarded unionism as a form of insurance, the clerical unions provided an organisation in which members could be active and through which new and different issues could be raised. They had the numerical strength to represent members' interests in wider contexts and used women's political power in a number of arenas to further women's interests at work and in the labour market.

*"I think we were streets ahead, in terms of identifying who our members were, how best to organise them and what to do for them...We said, no, our members are women, so therefore we have to do things different. It didn't meet the traditional mould of what unionism was about...Now whilst we were probably laughed at in many ways for the way we perceived our members, it still worked."*  
(NZCWU Elected Officer, May 1992)

Had voluntary unionism alone been introduced in 1991, it would have reduced the financial viability of already existent clerical unions and meant a riskier but more conscious unionism on the part of a smaller membership. Industry bargaining on behalf of members was already a reality in growing numbers of clerical documents. Industry unionism was resisted because it threatened the organisational viability which made possible labour market protections for the largest and industrially weakest section of the clerical workforce. It would undermine negotiating strength, as well as political strength.

The Employment Contract Act did all of the above at one blow. In destroying the award system which supported multi-employer negotiations, it destroyed all protection of the highly fragmented clerical labour market. It also fatally undermined an important organisation had been active in raising a series of issues of interest to working women in New Zealand.

In the view of the NZCWU Women's Secretary, the labour relations system had changed, but clerical workers' need for an effective union and one which would respond to the specific demands of women members has not changed.

*"Something will rise because there are going to be a whole bunch of women who are dissatisfied...I've got to believe that because the work we did in the clerical union wasn't just a job, it was near and dear. If I didn't believe that women will fight back, then I shouldn't have been in that job."*

(NZCWU Elected Officer, May 1992)

### Introduction

This case study examines labour relations strategies in a profession which is 96% female dominated and has always been led by women. It looks at how legislative changes over the 1980s and early 1990s have affected organisations representing nurses in both public and private sector health care. It shows how these intersected with a generational change in leadership to produce a shift in strategy towards greater union activism. The new generation brought with them a feminist analysis of nursing which influenced strategies and involved both the nurses' unions studied here in the gender politics of the union movement.

From 1908 until the late 1980s, the NZ Nurses Association, the oldest and largest organisation representing nurses, pursued a professionalisation strategy to raise the status of nursing in New Zealand on the model of the medical profession. This strategy creates a marked contrast with the history of unionisation among clerical workers and cleaners. The research covers a period in which nurses sought to integrate this purely professional strategy with a strong industrial<sup>1</sup> stance. This followed rapidly on from, and was part of, internal upheavals within NZNA arising from the greater expectations and activism of ordinary nurses during the 1980s.

When this research began in 1990, representation on wage bargaining for the nursing workforce was shared by three organisations: the NZ Nurses Association (NZNA), the NZ Nurses Union (NZNU) and the Public Service Assn (PSA). The majority of nurses were represented both industrially and professionally by NZNA, which had coverage of public general and obstetric hospitals. The PSA covered around 2,500 psychiatric, psychopaedic and public health nurses as a minority within its wide ranging membership among state employees. This difference of coverage had historical origins: some health services were always a central state responsibility while others

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<sup>1</sup> See note on language, page 29.

were developed jointly by private practitioners and local authorities, before being transferred to government responsibility in 1938 (Hay 1991). NZNU, representing nurses in the private sector, was registered as a union in 1974 but only became organisationally independent of NZNA in 1987.

There were also other nursing organisations with a professional focus. The Nurses Society, which split off from NZNA in 1977, has a high membership among nursing students and maintains a high media profile in the Auckland region. Te Kaunihera o Nga Neehi Maori o Aotearoa (National Council of Maori Nurses) has a high membership among Maori nurses, and has a strong focus on issues of Maori health. There are also small independent organisations based on specialisms, such as the College of Midwives and the Occupational Health Nurses Association.

The choice for this study of labour relations was the two organisations with registered industrial coverage of nurses only<sup>2</sup>: the NZ Nurses Association and the NZ Nurses Union. When this study began the first membership vote had been taken to consider reamalgamation; by mid 1992 negotiations were nearly complete on the detailed structure of a new NZ Nurses Organisation, which now offers industrial and professional representation to all nurses.

## **Public and Private Sector Nursing**

In 1990 43,899 nurses held annual practising certificates from the Nursing Council: 34,872 registered, 9,527 enrolled<sup>3</sup>. However, this included nurses who keep their certification current while temporarily out of the workforce or as a background qualification for work in a related field. Fifty percent of all certified registered nurses and 65% of enrolled nurses were employed by Area Health Board in general, obstetric and

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<sup>2</sup> PSA membership data does not specifically identify nurses. Although wage rates are negotiated by occupation, members are organised by worksite without distinguishing nurses from other health professionals. A study of PSA's large and complex organisation, interests and strategies would constitute a thesis in itself.

<sup>3</sup> Programmes for enrolled nurses have varied greatly in length and content so that there is variation in the training background of enrolled nurses currently employed.



gynaecological hospitals, NZNA's area of industrial coverage. In addition, there were around 6,000 unqualified nurse aides, working mainly in the private sector represented by NZNU.

Of the total nursing workforce, only around 6% are men. Male nurses are concentrated in psychiatric and psychopaedic nursing under PSA coverage. NZNA's membership of general and obstetric sector nurses was 95.4% female in 1990. NZNU's female membership was still higher at 98%, with males extremely rare among its unqualified nurse aide members, whose pay and status are low. NZNA's 4.6% male nurse membership occupied a disproportionate 12% of positions above staff nurse, a fact to which women nurses often refer.

Unions have been theorised as a secondary form of organisation in response to their primary organisation by the fact of their employment (Offe & Wissenthal 1985:176). Considered in this light, the union organisation of New Zealand nurses reflected in the first instance a strong historical separation in the labour relations frameworks governing public and private sector employment. Hospital services, which employ the majority of nurses, were developed jointly by medical practitioners and regional government, then transferred to central government in 1938 (Hay 1991) bringing the majority of nurses, represented by their professional association, into the public service. The line between public and private health has never been absolute and present changes in the role of the state are shifting it further towards privatisation. However, for fifty years two distinct systems set wages in the public or private health sector. This distinction between the civil service and the private sector labour market was removed when state negotiations were brought under the Labour Relations Act in 1988 and by the Employment Relations Act 1991 which now regulates all employment negotiations. This change is allowing the state, along with private sector employers, to fragment national negotiations and lower wages in its own labour market (Hill 1993a).

As a result of this traditional dual labour relations framework, there were during this study two nursing occupational unions registered under the Labour Relations Act 1987 with separate industrial coverage of public sector and private sector nurses. For this

reason this account begins with a description of the industrial coverage of each nurses' union at the time of the study and the membership differences between the two organisations as a result of that coverage. These membership differences, along with later material on public and private employer differences, help provide an understanding of the tensions on professional and industrial issues between the two unions whose stories are woven together through this account.

NZNA, which has represented the majority of New Zealand nurses since 1908, originated as a professional association with a historic interest in setting wage levels in the labour market for nurses. Under the State Sector Act 1988 it was required to deregister as an incorporated society and register for the first time as a union under the Labour Relations Act 1987. At March 1990 NZNA had a financial membership of 27,131, a 12% increase on the previous year's membership. Of these 21,374 were registered and enrolled nurses, hospital aides and employed student nurses, whom it represented industrially. A further 1,787 were 'Category B' members; that is, they were represented industrially by another union and joined NZNA at half fee, or were not covered by any award and chose to belong for professional reasons. These included PSA members, tutors covered by ASTE and some NZNU members, particularly practice nurses. The remainder were nursing students and honorary members (NZNA 1990).

Under the Labour Relations Act 1987 NZNA negotiated two awards. One covered a mere 36 occupational health nurses employed in technical institutes, who were already contemplating a move to the Association of Staff in Tertiary Education (ASTE) which covered nursing tutors. The other, the NZ Hospital & Area Health Boards Nurses Award, was the largest national nursing award, covering all categories of nurse employed by Area Health Board in general and obstetric, maternity, geriatric hospitals and related community services.

Under the previous State Services Act 1977 and previous public sector labour legislation, this award had been a Determination which covered all grades of nurses in the hospital hierarchy. A feature of State Sector Act 1988 was its adoption of the private sector model of a clear management/worker divide, removing all those earning

over \$50,000 from award coverage and placing them on individual contracts. In the 1989 award round NZNA lost coverage of nurses above grade 16. Their ranks had already been depleted by rapid restructuring from 1988 which brought nursing and medicine under the control of management. By 1991 only about 100 nursing positions above grade 16 existed. These nurses are now on individual contracts, usually negotiated without NZNA assistance, although most retain membership of their professional organisation.

The award also covered unqualified hospital aides, who were admitted to membership of the nurses' professional association from 1975. At that time NZNU was registering awards for the private sector which covered both qualified and unqualified members, who could join NZNA through a joint membership arrangement. It then became logical to extend NZNA membership to aides in public hospitals. However, by 1988 only 3,516 hospital aides were employed in public health care. Most were employed in long stay geriatric and psychiatric care, although most wards employed an aide for unskilled and clean-up tasks. The proportion of aides in Auckland public hospitals was particularly low because of the greater acuity of hospital services there. Some NZNA officials, as well as NZNU officials, considered that NZNA's strong professionalisation strategy and lobbying for a fully qualified nursing workforce had in fact acted against the employment interests of enrolled nurses and aides in the public health sector. Nevertheless, NZNA officials liked to point out that their aides enjoyed wage rates which were around 15% higher than those in the private sector.

In the late 1980s the proportion of unqualified members in NZNA was also affected by government funding policies and public hospital closures which shifted most long stay care into private sector religious and welfare hospitals and rest homes, covered by NZNU. Private sector elective surgery and routine emergency care were expanding while the public sector retained responsibility for specialist areas, high-tech medicine and critical and intensive care. These changes also meant an increase in the proportion in NZNA's membership of highly trained specialised nurses with a strong interest in professional issues.

Since 1974 nurses employed in the private sector had been covered industrially by NZNU. By early 1991 NZNU represented nurses covered by seven industrial documents listed below, bringing together a much more diverse group of members than in NZNA. The first covered the majority of members; the last four were single employer agreements covering about 10% of the membership:

- NZ Private Hospital Nurses Award
- NZ Practice Nurses Award
- NZ Occupational Health Nurses Award
- NZ Family Planning Assn Nurses and Counsellors Agreement
- NZ Plunket Nurses Agreement
- Nurse Maude District Nursing Assn Agreement
- HELP Foundation Agreement

As encouraged by the Labour Relations Act 1987, NZNU was exploring suitable composite arrangements with other unions for its scattered occupational health nurses. It was also negotiating new awards, since an estimated 5-10% of private sector nurses were not covered by any document. NZNU was attempting to negotiate a document for rest home nurses, some of whom were paid at private hospital award rates, working together with the Hospital & Hotel Workers Union who already covered 'home assistants' doing domestic and nurse aide work in resthomes. NZNU was also trying to organise 'bureaux' nurses employed by temporary agencies, who were covered only once they step onto a worksite covered by an award, but not when sent to a rest home or private home. NZNU was exploring the possibilities an award for medical laboratory nurses. Beauty therapists had also approached NZNU for possible representation, since their work involves such procedures as skin treatments, depilatory electrolysis and eyeliner tattooing, which make nursing indemnity coverage attractive.

*"In the voluntary and private sectors there are whole swags of workers that aren't unionised. The changing nature of health care means that a lot of these jobs haven't existed previously and are just starting to take off."*

(NZNU Staff Official, Nov. 1990)

NZNU's financial membership in late 1990 was 9,223: 72% employed in private hospitals, 12.5% GPs' practice nurses, and 6.5% Plunket nurses. Because of its coverage of private surgical and geriatric hospitals, its membership was less qualified, less professionally focused and there were more Maori and especially more Pacific Islands members than in NZNA. The proportion of qualified to unqualified members

was 51% registered, 8% enrolled or obstetric; 40% nurse aides; and 1% were Karitane nurses working for the Plunket Society. This high proportion of unqualified members meant the professional/industrial dichotomy faced by NZNA was even sharper for NZNU.

NZNU's registered nurse members were practice nurses, theatre nurses and in the middle and higher positions in private hospitals. The 2,500 nurse aide members of NZNU made up the majority of the staff in private hospitals. High use of unqualified staff is made possible by the lower acuity of most private sector care and the very low proportion of qualified staff required under the Private Hospital Regulations. In long stay private care it is nurse aides who give hands-on nursing care to patients under the supervision of qualified nurses who perform specialised nursing tasks.

NZNU's membership was concentrated in areas generally less affected by rapid advances in medical technology requiring specialist training (although increased drug prescription makes nursing work in all areas more complex). Geriatrics, general practice and infant care have low medical prestige and a strong connection with women's traditional family role. NZNU's interest was not the establishment of a fully qualified workforce or further technical skill development, but greater recognition of its members' human relations and caring skills, often informally acquired - that is, the revaluation of women's traditional work.

As with other unions, NZNA's and NZNU's data on the ethnic composition of their mobile membership was very incomplete. In recent years recruitment forms have included a question on ethnicity (as have Nursing Council practising certificate applications) but this is not always filled in by members. NZNA officials had 'no idea' of the ethnic composition of its membership but recognised a concentration of Maori women among Enrolled Nurses. This was understood to be because Maori girls, often from families in low socio-economic groupings, have tended to opt for shorter training which allows them to start earning sooner. There was a geographical difference in organiser perceptions of membership composition, which may be verified as better data is accumulated by both NZNA and hospital equal employment opportunity programmes. South Island organisers said there are 'very few' Maori nurses and a

`handful' of Pacific Islands nurses. In Northland there was a noticeable and vocal Maori presence; these Maori nurses were often supporting households with unemployed adults.

NZNU estimated up to 15% of its membership were Maori, Pacific Islands or of another ethnic minority, concentrated in particular regions and in particular kinds of nursing work. A Maori elected official suggested 4% Maori and 7% Pacific Islanders. The Maori members were thinly spread except in areas such as Northland, Gisborne and Rotorua, where one hospital had around 80% Maori. Some were older registered nurses with years of experience in the public sector. Pacific Islands members were concentrated in nurse aide work, and in Auckland and Wellington. Of NZNU's nurse aides, around 20% were Pacific Islands women. They were concentrated in Auckland hospitals, where as many as 80% of aides were Pacific Islanders. An important issue for Pacific Islands members was lack of recognition of non-NZ qualifications, particularly for Samoan registered nurses, who often work as enrolled nurses or aides until they are able to complete bridging course requirements. Part of the requirement is NZ experience, but the NZ Nursing Council only recognises experience in the public sector, where few jobs are available for the unqualified.

The differences between the two memberships arising from differences in worksite coverage is illustrated by a difference in terminology. NZNA referred to 'hospitals aides', whereas NZNU at its 1989 Conference established 'nurse aide' as appropriate terminology for their unqualified members, who are defined as aides to the nurse, not to the hospital. Eighty years of professional history was reflected in NZNA's control over the word 'nurse' and its restriction to registered and enrolled staff - 'trained' nurses. With a much larger membership of aides, NZNU sought recognition of the caring work that aides do.

NZNU had a higher proportion than NZNA of members employed parttime. However, both unions represented a much greater proportion of parttime workers than the clerical unions, and both were experiencing problems of increased casualisation of nurses' employment. As a 24 hour, 7 day industry, health care lends itself to a

flexibility of employment which may suit women's own needs, but is increasingly the focus of employers' strategies.

Until the mid 1960s when social attitudes and state policy on the employment of married women changed, nursing as both a job and a lifetime career tended to employ single women in fulltime employment. Over the last 25 years increased labour market participation by married women and the expansion of both public and private health services has included a steady increase in the parttime employment of nurses. A 1988 survey of wage levels among NZNA's membership showed a shift of qualified nurses to parttime work. The proportion of aides in parttime employment remained fairly steady, but their employment in public hospitals decreased during this period under the strong push for qualified workforce in public health.

Although precise data is not available, this trend towards parttime employment is continuing. Organiser perceptions of parttime employment were 50% for Auckland Area Health Board nursing staff; 80% for Canterbury. There was even less precision around what 'parttime' actually meant: whether it was one shift a week or 9 a fortnight. However, in public hospitals parttime nursing employment is still made up of full 8 hour shifts, rather than the trimmed hours of the private sector. As is common statistical practice, available Area Health Board nursing figures were in fulltime equivalents of qualified and unqualified staff, which obscured parttime status and changes in proportions of parttime employment.

Parttime Employment Among NZ Nurses Assn Members, 1977, 1986		
Position	Year	Percent Parttime
Qualified nurses	1977	19%
	1986	46%
Hospital aides	1977-86	52-58% (oscillated)
	1986	50%

A substantial majority of NZNU's membership worked parttime, especially practice nurses, plunket nurses and nurse aides. Parttime and casual employment is characteristic of bureau nurses for whom NZNU was trying to negotiate an award. NZNU too had little concrete up-to-date information about parttime employment, hours worked and changes to hours, but the variation was much greater than in the public sector, especially for nurse aides.

*"The most amazing hours. Someone coming in from 8 to 10 just to do the showers, that's all they do, they might only do it on Thursdays...peak time coverage."*  
(NZNU Organiser, Nov. 1990)

Changed shifts and shortened hours were increasingly the cause of individual grievances. However, members were not always aware of their right to the hours for which they were employed under the 'contract' implicit in the initial hiring. Some were accepting unwelcome changes to hours of work without contacting NZNU, for fear losing all employment.

*"One nurse started off with 28 hours, she's down to 12 now, she didn't know it was her right...I said, no, you do not give away your hours. They don't have the right to take hours from you, but we have no problem with them giving you more."*  
(NZNU Organiser, June 1991)

The more 'flexible' hours in the private sector are often attractive to nurses, since the long shifts in public hospitals do not match the school day. Private hospitals with lower acuity, particularly long stay hospitals, usually run two 5 hours shifts to cover the day, with more staff on mornings, and skeleton staff at night. They offer permanent rather than rotating shifts and often use permanent night or weekend-only staff. This system allows employers to juggle parttime hours to best and cheapest advantage with regard to penal time rates, overtime and fulltime privileges negotiated under the awards. But these arrangements may also be convenient for mothers seeking paid employment.

Parttime employment is lower among PSA nurse members. Research in 1984 showed that 39% of all registered nurses in public hospitals were parttime: 42% of those in general/obstetric hospitals but only 10% in psychiatric and psychopaedic hospitals (Dixon 1987:62). Dixon attributed this to differing policies and negotiating strategies by NZNA and PSA arising from the different gender mix of the membership and



decision makers of each. NZNA saw parttime work unequivocally as a solution to both the shortage of registered nurses and the conundrum of women's desire to earn and their social responsibility for children and domestic work. More flexible employment was seen as a good thing for their overwhelmingly female membership.

However, in times of recession and high unemployment this is problematic, as parttime work becomes increasingly an employers' strategy to provide 'flexibility' and labour cost cutting (Beechey 1987). In nursing the situation is complex, as there was high unemployment among nurses graduating in 1991 and 1992, but high turnover and labour shortages in high stress areas requiring experienced, specialised nursing staff. The needs of employers for different kinds of nurses vary, as do the flexibility needs of nurses which, in the experience of NZNA officials, are not always due to family responsibilities. Opting for shorter hours has been the individual response of some nurses to recent workload intensification. To obtain greater control over hours worked, some nurses move to bureau employment. In 1991 Auckland Hospital was wasting so much of its budget on nursing bureau services that it established its own flexible bureau-type system. In the view of NZNA officials, this solution did not address reasons for the retention problem, which it attributes to high stress, inflexible rostering, and a 'walking on water syndrome' in the senior medical staff of some units.

The fewer the hours worked, the less likely nurses are to join their union. NZNA had a parttime fee for those working 5 hours and less - on application to its National Council, a point which rankled with members. However, for both unions, since parttime employment is so prevalent, the fee was considered already a parttime fee.

*"Just because you are a parttime worker doesn't mean the benefits you get from the union are any less, the union does heaps of work protecting the rights of parttime workers, and indemnity insurance costs just the same."*

(NZNU Staff Officer, Nov. 1990)

The separate public and private frameworks of New Zealand's traditional labour relations system constructed the pattern of separate negotiations and documents covering different groups of nurses in public and private sector employment. These separate systems and different memberships lay behind the two separate occupational unions for nurses which existed when this research began. The reorganisation of

public and private sector bargaining under one labour relations system from 1988, and the shifting line between public and private health sectors makes moves towards amalgamation of the two organisations logical.

However, NZNU was first registered as a private sector union for nurses in 1974 - not 1936. Its first awards were negotiated in 1975, and it was only in 1987 that NZNU fully separated from NZNA, its parent organisation. NZNU can be seen as the offspring of NZNA and private sector labour relations legislation, but both its late birth and its separation from NZNA are explained by NZNA's historic development as a professional association, and the recent tension between its professionalisation strategy and the present need for collective action in the face of economic and state change. The existence of separate unions for public and private sector nurses was structured formally by the labour relations framework but informally by nurses' choice of and shifts in collective strategy.

### **The Professionalisation of Nursing**

An understanding of the shift in strategy and of the strike action taken by nurses around the country in 1992 needs to be understood against the background of NZNA's professionalisation strategy, including the development of nursing as a profession in New Zealand, its complex relationship with the state, and the parameters of nursing's professional terrain which continue to be contested at the present time.

Historically, nursing has provided both a 'profession' for women from middle class backgrounds and a route to middle class status for working class women. Nursing comprised a hierarchy of positions and qualifications from Chief Nurse to nurse aide, and for this reason, political attitudes among NZNA and NZNU members range the spectrum. But it was the efforts of nurses acting as a collective organisation that gained professional recognition and middle-class status and rewards for the occupation as a whole.

The development of nursing as a profession in New Zealand has paralleled the British case, with the strategies of both national organisations linked through membership of

the International Council of Nurses which grew out of the International Council of Women at the turn of the century (Salmon 1984:119-20). As with a number of other professions (Witz 1986; Macdonald & Ritzer 1988:260-3), professionalisation was achieved by means of a strong relationship with the state. In this strategy, in which the medical profession was taken as a model, the power of the state is harnessed to achieve professional closure and autonomy, and professional control over a body of knowledge to be studied by selected entrants, preferably at state expense. In return for this formal recognition, the state requires formal controls over the standards and behaviour of the profession on behalf of citizens. This is the path that NZNA followed from 1908 to build recognition of nursing as a profession, able to command autonomy over its practice, with appropriate remuneration and conditions. The historic goal, and the criteria for affiliation to the International Council of Nurses, was strict self-government by nurses. The strongly gendered nature of nursing within the medical division of labour made female leadership an achievable goal.

Central to what was achieved by the professionalisation strategy until the late 1980s was a continuing coincidence of interests between nursing and the state, as state responsibility for health services grew, and with it a role as the major employer of nurses. In the early years, the rapid development of the profession owed much to very close links between the NZ Trained Nurses' Association (as it was first called) and the Department of Health; NZTNA officers and Department of Health nurses were the same people. In 1908 Hester Maclean, chief nurse in government, was elected first President of the Central Council, with a clear vision of how effective government and hospital nurse leaders could be in influencing health service policy.

The advantages of the arrangement were not one sided... NZTNA saw clearly the political gains that could be made with departmental leadership, while the nurses of the Department had a forum for discussion, advice and action.

(Kinross 1984:109)

Concerns at NZTNA's first meetings were nursing training and standards of practice - that is, issues defined as key attributes of a profession. NZTNA was successful in restricting training to public hospitals only, enabling reciprocity with British nurse registration in 1919. Nursing education was developed in hospitals by senior nurses but included lectures by medical staff. Practical training was then very much within the

context of the gender and class divisions of labour, and the ethic of service was strongly reinforced.

Professional progress was assisted by an increased demand for nursing labour with Labour's 1938 public health policy and World War II. As the welfare state rapidly developed public health care services, there was initially an increase in the use of unqualified staff. 'Degradation of labour' through task fragmentation and use of cheaper unskilled staff was met by a strong push by NZNA from the 1950s for a qualified nursing workforce in public health. Formal education was a means of gaining recognition and reward for the skills involved in nursing, particularly those caring and human relations skills considered 'natural' to women. Bringing the nursing body of knowledge fully under the control of the profession was an essential step in professionalisation which could only be achieved by moving it out from under the control of hospital hierarchies dominated by the medical profession. This was achieved in the mid 1970s through a long campaign to government, which argued the state's own need, as ultimate employer, for a fully qualified nursing workforce to provide a quality health service. The change was opposed by Hospital Boards, since student nurses provided a cheap and flexible workforce to cover unsociable or peak hours. However, their value to employers was eroded by a high attrition rate, a new nursing curriculum (district, public health, psychiatric nursing) which already involved training outside the Hospital which paid them, and the penal rates and limited work hours won after changes to state sector bargaining in 1969. Evidence of reduced cost effectiveness was thought by NZNA to have tipped the balance of government decision-making towards basing nursing education in polytechnic based education (Carey 1984; Carroll 1984; Kinross 1984:115-116).

When nursing education was transferred to technical institutes from 1973, the ratio of qualified to unqualified staff in the public hospital workforce was 1:2; by the mid-1980s this had been reversed (Kai Tiaki Dec/Jan 1989:2). An emphasis on nursing education was an important part of NZNA's professionalisation strategy. As a professional body of knowledge was developed, ensuring control of it by nurses, not doctors or hospital employers, became an issue. Access to that knowledge and certification as registered or enrolled nurses was controlled by the profession itself.

Nursing knowledge continued to be developed in order to increase nurses' professional autonomy - that is, their control over their own labour process - relative to other groups in the hospital hierarchy.

*"Nursing built itself up as a workforce to where it wasn't the old idea of the medical superintendent telling the nurse what to do. Now she would say, no, this is a nursing issue. I will come back and tell you what we are going to do."*  
(NZNA Organiser, Jan. 1991)

The relationship between the state and the nursing profession can be traced through successive legislation which has both professionalised and regulated New Zealand nursing. In 1925 legislation established the Nurses & Midwives Registration Board, which included two senior Health Dept members and an appointed doctor, but nevertheless gave nursing 'the majority voice on the regulatory statutory authority for its own profession, an important step forward' (Kinross 1984). The present Nursing Council is responsible for examinations, the registration of nurses considered both qualified and 'fit and proper', annual practising certificates, and professional discipline through 'peer review'.

The parameters of professional autonomy continue to be terrain contested by the state, with its various interests as professional regulator, health care provider or employer, and by other interest groups in health care, in particular the medical profession. This contestability and constant minor shifts in the relative positioning of nursing as a profession are illustrated by issues current during the study period, as the nurses unions sought to further or to defend the degree of professional status which nursing has achieved.

As part of the review of the Nursing Act, 1977, the Health Department circulated a draft policy paper in 1988 which attacked the professional status of nursing in a number of areas. It gave greater powers to the Minister of Health at the expense of specific professional input from nursing organisations. 'Professional judgement' and 'professional nursing knowledge' were not included in definitions of nursing practice, nor did definitions of nursing practice cover the practice, direction and supervision of enrolled nurses and aides, an important area of debate within the nursing unions and with the Health Dept and employers.

The paper suggested removing control over standards from the Nursing Council to a complaints assessment committee and an independent disciplinary tribunal. In addition, the 1988 Area Health Board Act gave unprecedented disciplinary powers to general managers while ignoring management's role in maintaining professional standards. The nurses unions had frequently criticised the Nursing Council as 'too harsh on nurses facing discipline and unduly punitive rather than protectionist'. There was also concerns about natural justice and about 'doublejeopardy' or possible even triple jeopardy; that is, professional penalties on top of criminal or employment ones. However, they were adamant that professional control should remain in the hands of the profession itself.

To achieve that fully, they considered that the composition of the Nursing Council should be altered. Consumer representatives, including Maori, should be included, a Health Department representative was acceptable, but the medical representative and the employers' representative from the Area Health Boards Association should be removed.

*"How dare the medical profession think they have the right to govern another profession...Doesn't matter what the doctors are like, they shouldn't be there."*  
(NZNA Organiser, Nov. 1990)

The Health Dept paper suggested that annual practising certificates should be competency based. Recent failures in the medical and legal professions appeared to be behind members' support in principle for this at two NZNA conferences. However, NZNA officials doubted the practicality of testing the 43,000 nurses currently registered. They opposed the concept as individualising responsibility for matters which are beyond a nurse's personal control and competency. In their view, individual shortcomings are related to workplace inadequacies, staffing levels and safety issues and these are a collective responsibility. Competency based certification would separate out individual professionalism from its industrial and wider political context.

While these Health Department proposals could mean setbacks for the nursing professional, the 1990 Nursing Amendment Act was a very real success for the strategy of professionalisation. It increased professional autonomy for midwives in

relation to the medical profession, by granting them right to prescribe and sole responsibility for care of the client.

The Act has enormous consequences for nursing in that the autonomy and rights won by midwives set a precedent for the nursing profession to seek them as well. (Kai Tiaki Oct. 1990:21)

In the post-war baby boom years the medical profession had increased its control over childbirth and midwifery through the establishment of a Chair of Obstetrics and obstetrics training hospital in Auckland. Lobbied by the Medical Association, the Minister of Health took the attitude that every woman in New Zealand was entitled to have a trained doctor at her confinement. Specialist midwifery schools were eventually closed, despite opposition by midwives. The Nursing Amendment Act 1990 opened the way for direct entry midwifery training to overcome midwife shortages in New Zealand; 70% of the 1500 practising in 1990 were trained overseas. Direct entry training would be make midwifery more accessible to Maori and Pacific Islands women and mature students.

Increased autonomy for midwives came as a result of lobbying by midwives' and nurses' associations, but also by patients' rights groups. From the 1970s women in New Zealand as elsewhere have organised to reject doctors' usurpation and pathologising of their birth experience (Oakley 1984b; Donley 1986), and to mount a more general challenge to medical power over women's bodies (culminating in the Cartwright inquiry into cervical cancer research in 1987 (Coney 1988)). The medical profession's efforts to reassert professional dominance over midwives and the birth industry can be witnessed in their increased newspaper and television comment on birth difficulties and public criticism of particular midwives. In November 1992 the NZMA and General Practitioners Association opposed NZNA's suggestion of very limited prescribing rights for specialist nurses in Family Planning and Diabetes Clinics.

Although the Nursing Amendment Act was celebrated as a great success for the nursing profession and for women, NZNA officials expressed some misgivings which related to the autonomy of the profession vis a vis state control. The inclusion of direct entry midwifery in the Amendment Act which allowed increased right of prescription, rather than as part of the Nursing Act revision, had preempted expected

input by the nursing profession, which had yet to work through implications for nursing philosophy and education.

Complete professional autonomy is being achieved by a small but growing number of independent nurse practitioners, who offer a nursing service outside the immediate controlling context of the doctor/nurse division of labour, as self-employed professionals. Massage, homeopathy and other alternative practices are often offered.

Of concern with regard to professional standards and control of nursing work were the Basic Caregivers courses being set up in 1990 by the Health Department and Department of Social Welfare to provide formal training and recognition of volunteers and women caring privately for relatives. These courses at state expense would benefit private sector health employers who employ nurse aides for long stay care. Both nurses' unions made strong representations to the Health Department on what they saw as an inappropriate 'nursing' component in these courses, inadequately backed by nursing knowledge, which could place both employees and patients at risk.

A recent theme in nursing education is a 'holistic' approach which includes social and spiritual aspects of patient wellbeing, and an emphasis on the autonomy of the nurse professional fully responsible for the bedspace. This view of the autonomous nurse connects to a model of nursing work organisation which moves away from a 'degradation of labour' pattern of task fragmentation and the use of cheaper unskilled staff to revalue and integrate the more mundane tasks of nursing into the demarcated territory of qualified staff.

From 1908 to 1988, then, New Zealand nurses pursued a professionalisation strategy, not unlike that pursued by the medical profession a century earlier (Witz 1986). It was a strategy which relied on a strong relation with a regulating state and benefited from the development of a welfare state in New Zealand with increasing responsibility for health care services. The coincidence of nursing's interests with those of the state allowed the nursing profession to improve its position both in the labour market and within the gendered division of labour with the medical profession. However, from the mid 1980s changes in the economy and the role of the state under successive



governments meant that such a coincidence of interests no longer exists. It was this change that led to the shift in strategy of the nurses unions which is central to this account.

## **Unionisation**

NZNA's professionalisation strategy can be regarded as a success in meeting its goals and furthering the interests of the profession as a whole over a eighty year period. However, as a professionally focused organisation it was less concerned with meeting the day to day needs of the majority of nurse members. In fact, professional status as not only a strategy but as an ideology tended to obscure the actual workplace status, pay and conditions of nurses low in the hierarchy, especially nurse aides and students. Although improvements came with state labour relations changes in the late 1970s and the moving of nursing education to technical institutes from the mid-1970s, in some ways increased professional autonomy over nursing education reinforced the gap between professional ideology and employment reality. Concepts of 'professionalism', 'professional judgement', standards of practice became emphasised to the point where the actual power relations and practices of the hospital hierarchy came as a shock to new nursing graduates (Perry 1986).

As nurses' professional organisation NZNA had a role in wage setting from its very beginning. However, it long resisted being defined as a union, considering that the classic tactics of unionism would lower the prestige of the profession and bring 'ridicule to the uniform' (Carey 1984:23).

In early years Public Hospital Boards were independent employers. NZNA officials negotiated directly with each as best they could, and set recommended rates for nurses in private employment. When Labour introduced compulsory unionism for all private sector occupations in 1936, NZNA successfully blocked both the establishment of a Dental and Medical Nurses Union and coverage by the Hospital Workers Industrial Union, on the grounds that private sector nurses' interests were already represented by their professional association. NZNA's constitution was altered to admit student nurses, so as to forestall their coverage by the Hospital Workers Union. Pressure did

result in a conference resolution to register a private sector award, but an accommodation to NZNA's professional sensibilities was made by a government in need of nurses for both its 1938 public health policy and its war effort (Carey 1984).

In 1946 as a full public health system began to get under way, the Minister of Health established an Advisory Committee comprising representatives of the Health Department, Hospital Boards and NZNA to set a binding minimum scale for nurses, including Plunket and private hospital nurses. The Hospital Boards Employees (Conditions of Employment) Regulations, 1947 were the first official recognition of NZNA as an employee organisation for negotiating purposes. But NZNA was unable to negotiate its claims with effect, and unwilling to mobilise the industrial strength of either public or private health nurses. NZNA argued for some years for the penal rates for unsociable hours which had been paid to mainly male mental health nurses since 1948, and this was only achieved in 1965 following a government review (Carey 1984).

Following the inclusion of formal conciliation and arbitration procedures in the State Services Act 1969, NZNA achieved a relativity of pay and conditions with psychiatric nurses, including strictly 8 hour shifts and two-day breaks, an improvement well remembered by older nurses. As part of the public service sector, NZNA benefited from highly centralised pay fixing, receiving Annual General Adjustments with irregular specific comparisons with private sector earnings. Block negotiated conditions of employment for the whole public sector were well ahead of private sector conditions, particularly those most relevant to women.

All this widened the gap between public and private nursing. After repeated votes against it, the 1971 NZNA conference resolved that the National Executive secure the right to negotiate salaries and conditions of employment for registered nurses outside the scope of the State Services Act. The only way to do this was to form a union and on 2 April 1973 the NZ Nurses Union was registered under the new Industrial Relations Act (Carey 1984:38-39), after 37 years of gestation.

Legally and constitutionally NZNU was established as an independent body, but its first Committee of Management were members of NZNA's National Executive and its

National Secretary was NZNA's Executive Director. At its first Conference a new Committee of Management was elected, but the National Secretary/Executive Director umbilical cord remained until 1987. Through it flowed the initial capital that got the Union on its feet. NZNU was reliant on NZNA for services as well as funding, and field officers worked jointly for the two organisations.

*"When NZNU was first conceived by NZNA this was feasible because there were only about 200 members."* (past NZNU Elected Official, Nov. 1990)

It was possible for fulltime nurses to belong to both NZNU for industrial coverage and NZNA for professional reasons, and receive indemnity insurance and Kai Tiaki for the price of one subscription, split between the two organisations. Since NZNU covered nurse aides, this meant that unqualified nurse aides could for the first time become members of NZNA. However, NZNA did not represent them industrially and its professional focus was of little interest to most. In 1975 NZNA extended its own membership to public sector hospital aides, while actively lobbying for a fully qualified public sector nursing workforce.

When NZNU held its first Conference in Christchurch in 1974 there were 184 members nationally. By 1982 NZNU membership had grown to 5,800, generating sufficient fees to fund the union. Lack of clarity in financial arrangements now created problems between the two organisations. The initial capital stake had never been repaid but with inflation this no longer looked so large and deserving of gratitude. About half NZNU's members had dual membership, so half their fee went to NZNA, creating in NZNU's view 'an administrative nightmare'. Yet field officers' time, rent and other services by NZNA were charged to NZNU. Cars and items of furniture were purchased by NZNU and used by joint officers. Committee of Management members were expected to approve and be ultimately responsible for financial statements with insufficient time to inspect or discuss them.

*"We were just a rubberstamping organisation, we didn't really know what we were doing, why we were there and we had no real say in anything...(around 1981) We said we would like a two day meeting, we had to stay overnight, I think that is probably when the change started...By talking to other people we found out we were all concerned about the same things. We decided next day when the balance sheet was presented, one of us would stand up and say we wanted to keep it and take it home."*

(past NZNU Elected Officer, Nov. 1990)

NZNU members, particularly enrolled nurses and nurse aides, felt they were not well serviced or represented by the senior nurses who still controlled NZNA. The Executive Director/National Secretary at that time had a stronger professional orientation than the Executive Directors who had set up NZNU. The professional closure of NZNA's lobby for a fully qualified nursing workforce was seen by NZNU as not only detrimental to nurse aides, but unrealistic:

*"By 1986 there were enough people around with the brains to know that unless we discovered oil off the coast of NZ we are never going to be able to afford it."*  
(NZNU Elected Officer, Nov. 1990)

Nor was the joint field officer arrangement thought satisfactory. In 1985 NZNA's public sector award campaign was felt to be overshadowing the needs of NZNU members. When in 1986 NZNU hired its own separate field officer to work from the Auckland NZNA office for a year, results were much more satisfactory. In 1987 financial matters came to a head. A 'recharge' was made by the NZNA for underpaid services, initially of \$183,000, eventually settled at \$86,000.

By this time, the perception of NZNU's Committee of Management members was that the umbilical cord was beginning to flow backwards. The time had come to cut it: the question was how.

*"I think the people on the old Committee of Management were extremely brave to have done the things they did. They were conservative women...but they knew they could get a better deal if they took a position and actually did it. Nobody thought they would."*  
(NZNU Organiser, Feb. 1991)

In late 1986 a joint NZNA/NZNU official with a private sector union rather than nursing background was appointed as NZNU's fulltime Industrial Officer. He was instrumental in the Committee of Management's decision to achieve what they wanted through a complete separation of the two organisations. In April 1987, the NZNA Executive Director was resigning, and the time was felt right to appoint an independent National Secretary, another joint field officer with a nursing background. In July 1987 the Committee of Management decided to set up its own offices in Auckland, Wellington and Christchurch, and employ its own staff. This fully separated from NZNA what was already a constitutionally independent organisation.

*"There was no consultation of the nurses, with the membership of either the Union or the Association. They were presented with a fait accompli, though constitutionally it was all done quite correctly."*

(past NZNU Organiser, Jan. 1991)

In the view of many people in both organisations at the time of this research, the split was unnecessary, though the grounds for discontent were not denied. Some felt that a thorough-going financial and organisational review would have been sufficient; NZNA was itself moving towards restructuring and could have addressed NZNU's concerns. However, much of the eventual extent and speed of NZNA's restructuring can be attributed to the requirements of State Sector Act, 1988. The shock of NZNU leaving also furthered the case of those in NZNA who sought organisational changes to improve representation on labour relations issues.

The separation was handled badly by both sides and caused a lot of pain. The tale becomes a confused one of recrimination, accusations of personal ambition, threats to freeze funds, personality clashes and physical tussles over office equipment. Although most actors are no longer with either organisation, some distrust and a strong feeling of competitiveness continued between the two at the time of this research, slowing the process of reamalgamation. In interviews, the criticisms heard on each side were remarkably similar, and revolved largely around the professionalism/unionism debate also internal to both organisations.

During the late 1970s and early 1980s a purely professional stance by NZNA became less tenable. State intervention in the form of wage freezes in 1976-77 and 1982-85, followed by state procrastination on wage negotiations in 1985 fuelled the push within NZNA for unionist strategies to balance the traditional strategy of professionalisation. And in 1988 it was the state that tipped the balance - too far for some members - by simply requiring NZNA to reconstitute itself and register as a union under the Labour Relations Act 1987. Ironically, just as NZNA the union completed the slow legal process of winding up as an incorporated society, National's Employment Contracts Act, 1991 declared all unions incorporated societies.

## Democratisation

Democracy, participation and structure were the organisational issues of the 1980s for nurses. These issues were the source of tensions between NZNA and NZNU leading to the split, and within NZNA itself. When NZNA forced by the State Sector Act to register as a union, this carried a stage further an internal upheaval already under way about creating a more democratic organisation providing an improved service to members in the workplace. This was part of the general move towards greater democratisation of the union movement which had brought many women into greater involvement in and leadership of the clerical unions.

Before 1989 NZNA was organised outside and separate from the workplace, with eventually 69 branches making up an incorporated society. As representatives of the professional association for nurses, its officials had rights to intervene in the workplace to represent its members - or to discipline them. Its coverage of all ranks of nurse meant the domination of the organisation by senior nurses, who attended its evening meetings while others worked shifts. Their presence discouraged staff nurses from speaking up at branch meetings; enrolled nurses and aides were probably unaware they could attend.

*"Often the local secretary was your Principal Nurse, so you didn't operate like a union. You operated like an orchid society."*

(past NZNA Organiser, Jan. 1991)

*"That was in the days when our Determination was locked up in the Principal Nurse's office. You had to ask to see it."*

(NZNA Elected Officer, Dec. 1990)

Yet decisions from such unrepresentative meetings, backed by the membership numbers of the whole region, led to policy at national level. Standing committees, including one for industrial matters, comprised representatives from the full range of nursing, but vacancies were not filled by election by the membership. The elected National Council made its choice from suitable nominations put forward by branches.

The move for change which began about 1981 could not be said to come from a majority of ordinary nurses. The hierarchical organisation within NZNA was not

designed to hear or respond to membership views. Rather it came from a group of activists, largely from the Auckland area, pressuring the leadership to change NZNA's structure and strategies. This was organised through a series of local meetings and a special national conference. As well as going through established channels, they adopted women's liberation tactics such as a heroic bus ride to Wellington by the Auckland Action Group to challenge feminist-style the official delegates and office holders at the 1985 Conference. The aim was to make the organisation more representative and more responsive to the workforce of ordinary nurses. A stronger industrial approach was felt to be needed as the wage freeze ended.

*"We were looking to bring the Association into the twentieth century."*

(NZNA past Elected Officer, Jan. 1991)

Progress was slow but restructuring was well under discussion when the NZNU split from NZNA in 1987. Thinking was in many ways still along the lines of a more democratic professional organisation, when legislative changes settled the professional/industrial argument. The State Sector Act, 1988 required NZNA to register as a union under the Labour Relations Act 1987, which stipulated aspects of unions' formal organisation and powers. The internal political groundwork had already been done to transform NZNA from a senior nurses' club into a organisation which represented members lower in the nursing hierarchy. It rapidly reorganised to cater for industrial as well as professional needs.

*"We were looking at restructuring anyway but...still along the lines of a professional body, we had a corporate plan and a mission statement ...People became very clear about what needed to happen to ensure that it could deliver in terms of the Labour Relations Act...a workplace structure."*

(NZNA Staff Officer, March 1991)

The process of developing the new constitution was completed in 1989 and in the transition the old branches with their professional focus were disbanded. Nurses became direct NZNA members, voting individually by virtue of their employment relation under the award, rather than as members of a branch, with the branches themselves members of the NZNA incorporated society. NZNA's organisation became workplace based, with worksite meetings, elected delegates, delegates committees

and direct membership ballots on major industrial issues<sup>4</sup>. Members with 'a common interest of professional, geographic or political concern' could form regional sections to deal specifically with these - as far as professional issues can be separated from industrial issues.

Ideally, workplace meetings and committees could debate the range of industrial and professional issues that arose. However, the constant change in labour relations systems and Area Health Board management restructuring have overloaded workplaces and delegates with industrial issues, which have necessarily received more attention from union officials. Sections are issue specific and have formed more slowly as interests arise. To debate issues on a broader base from a variety of perspectives, a few regular regional Forums have been organised by members, particularly nursing tutors, which in some ways fill a space left by the old Branch meetings.

Under the new structure, both workplaces and sections were represented on eleven regional councils, which were in turn represented on the National Council responsible for the management of the organisation. In addition, only three representatives of national sections were on the National Council. Also on the National Council were the chairpersons of seven-member directly elected Professional Services and Socio-Economic Welfare standing committees. This means that at all levels except the local and in the standing committees themselves, industrial and professional interests were present. But at all levels only Category A members could vote on industrial matters, i.e. only those covered by an award could participate in decisions on it.

From 1955 a Economic Welfare standing committee (SEWC) had had primary responsibility for industrial policy and strategy. In the new labour relations environment, the largely professional oriented Council members accepted SEWC advice perhaps more readily than PSC advice. Study days on industrial matters were scheduled to fit with

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<sup>4</sup> There is a small historical irony in the return to worksite meetings. At the time of NZNA's lobbying to shift nursing education out from the control of Hospital Boards, activities were organised off hospital premises. Before the 1970s most students lived in nursing homes and lacked transport; meetings in hospitals or nursing homes increased attendance but were felt to undermine an independent stand.



bi-monthly National Council meetings in Wellington. Elections at the 1991 Conference saw a complete turnover of the National Council members elected four years earlier.

Major decisions were referred directly to the membership, usually with recommendations from the National Council, such as decisions on the NZCTU Compact, compulsory unionism, a possible composite award with PSA health professionals, reamalgamation with NZNU. Remits come from members and sections to the annual Conference which is the highest, if slowest, policy making body. Input is constantly solicited for lobbying on health sector restructuring and professional/political issues such as the Nursing Amendment Act and the Nursing Act review. Members, often delegates, are sought to represent nurses on Area Health Board effectiveness studies.

Was NZNA now membership driven? No, but structurally it could be, which was a major change from the past. As a professional association as well as a union, it actively involved more of its members than most unions (Thomson 1990:83,114). Paid officials, especially organisers, were usually nurses who had come up through the NZNA organisation and its politics. But initiatives and many decisions continued to come from relatively small numbers of exhausted activists and elected or paid officials, some of whom had been involved in various ways since the early 1980s.

NZNU's separation from NZNA arose from lack of democracy and adequate representation for its different membership within NZNA before the restructuring just described. However, on separation it inherited some of NZNA's problems in that its formal structure remained based on the old branch system. Organising and activities were increasingly workplace oriented where numbers were sufficient for this to be possible, and delegates were elected to liaise with field officers on workplace problems. However, the constitutional structure was based on nine regional branches which put forward remits and delegates to the annual Conference. As with NZNA, the Conference was the highest policy setting body of the union, subject only to ballots of the membership. A Committee of Management was responsible for the overall running of the union between conferences and was the employing body. In reaction

to past experience of pre-1987 NZNA, there was a strong feeling that this committee should reflect the kinds of nurses that make up the membership.

*"On our management committee are the nurses who shovel the shit, who empty the bedpans...They don't sit in an office and tell people what to do."*

(NZNU Elected Officer, Nov. 1990)

Although the branch structure suffered from some of the same problems of low attendance and unrepresentativeness that NZNA experienced, it continued to make sense for NZNU nurses to meet together outside the workplace. Membership in a region was spread across a number of hospitals, clinics, and a proliferation of Plunket rooms, GPs' surgeries and other isolated worksites which were not easily organised. Nor would worksite organisation bring NZNU's very different kinds of nurses together.

The situation at the time of study was a hybrid of branch and worksite organisation, but progress towards a more effective structure was delayed as reamalgamation of NZNU and NZNA became likely, since this in itself would necessitate a fundamental constitutional revision.

Where then were decisions being made? Most initiatives came from the Secretary and paid staff and were taken to the Committee of Management for decision. There was also input from worksites and branches where possible.

*"A lot of the impetus or thoughts about the future come from the staff because that we are paid to do that, we are paid to advise and support. We give the Committee of Management the information they need to make decisions on."*

(NZNU Elected Officer, Nov. 1990)

However, one aim of NZNU leadership was to encourage the election of progressive and strong minded people on to the formal decision making body, the Committee of Management. Committee of Management members came up for election every two years, and a full turnover was achieved between separation from NZNA and the October 1991 Conference.

*"The old ones were much more conservative than the new guard...dynamic, have good ideas...(In the past) I don't think the union was Committee of Management driven. It will be now."*

(NZNU Staff Officer, Jan. 1990)

While there was commitment to a democratic union in principle by decision makers, structural reform was not necessarily seen as a greater priority than rapid and efficient progress in building the union. Branches continued to have importance, but were sometimes used for the legitimisation of decisions really made in other ways. For example, it was recognised that the presence of Maori and Pacific Islands people on the Committee of Management, and a more visible commitment on race issues, was important to encourage membership and involvement by those groups. A suitable Maori woman already active as a worksite delegate was encouraged to attend branch meetings. There was an unusually large attendance at the branch meeting where voting in her support took place, which annoyed the small number of regular attenders.

The NZNU officials with the widest experience of the union movement suggested that it is not unusual 'for democracy to be organised.' However, the problems with ineffective and undemocratic structures were fully acknowledged by both paid and elected officials.

*"There are now being genuine attempts at changing (NZNU's) structures to make it more democratic...I would take issue with anybody if they thought the NZNU was a democratic union...(but) I honestly believe that NZNU is the most progressive, dynamic, exciting, move-ahead union in NZ, I've got no doubt about it."*  
(NZNU Staff Officer, Jan. 1991)

*"As confidence builds up, one or two people might find themselves a little surprised when those democratic structures actually begin to operate."*  
(NZNU Elected Officer, April 1991)

## **Voluntary Unionism**

Like other public sector unions, NZNA has always been a voluntary organisation. From 1988 to 1991 under the State Services Act and Labour Relations Act it was bound by the same provisions as private sector unions; that, three yearly ballots of the membership were to make unionism compulsory or voluntary for all workers covered by an award. Accordingly, in 1989 NZNA conducted an expensive, low-response postal ballot which established by a small majority that existing members thought membership should be compulsory. But there was never an intention to enforce this, as voluntary unionism seemed immanent with a change of government. Nurses no

longer covered by the award - those above grade 16 - remained, in any case, purely voluntary members as did other Category B members whose employment fell outside the coverage of NZNA's awards.

Beyond the need for union expertise with individual problems and collective negotiations, officials believed that nurses joined NZNA for two main reasons: membership of their professional organisation and access to block-bought professional indemnity insurance. An indemnity insurance scheme begun in 1971 was continued on legal advice after the establishment of Accident Compensation. Although with some incidents legal responsibility may lie with the employer or instructing doctor, coroner's enquiries, Accident Compensation medical misadventure claims or disciplinary proceedings may involve legal fees and awards against nurses. Recent changes in ACC coverage have increased the importance of indemnity insurance for nurses.

*"Nursing is one of the few occupations where, when you make a blue, you can actually kill someone."*  
(past NZNA Organiser, Jan. 1991)

NZNA membership grew after 1988 as nurses increasingly saw the need for collective negotiating strength and individual protection, and as NZNA's effectiveness as a union grew. During the State Sector Act campaign in 1988 nurses joined up so they could join in the threatened strike. About 2000 new members were gained. Membership increased 12% in the year to March 1990, and in late 1992 membership was over 80% of full potential coverage.

Voluntary unionism, then, was not an issue for NZNA. In fact, other aspects of the Employment Contracts Act, together with the changed management and budgetary environment in public health, have provided extra inducements to join the union. Since collective contracts legally bind only signatories, it could not be assumed, for example, that employers will extend NZNA negotiated rates and conditions employer to 'free riders' in the same way as past awards with legally binding blanket coverage.

*"When they are in the union, they are all looking to get out, and now there is the opportunity, they suddenly realise the value of the organisation doing it all for them."*  
(NZNA Staff Officer, March 1991)

The increase in membership was noticeable at the time of planned action against the Employment Contracts Bill.

*"The theatre supervisor said I will need an on-call team, every person in my department has joined the union, I have no-one - and she was at the meeting herself...Before (the Bill) they could have run the theatres in Christchurch with all non-union nurses."*  
(NZNA Organiser, May 1991)

Private sector nurses came under compulsory unionism provisions of labour relations legislation from the inception of their awards. Meetings ballots in 1975 showed all award groups except Plunket nurses were in favour of compulsory union membership, despite employer opposition. Membership dropped about 20%, largely due to turnover.

*"That was not due to members leaving...new staff weren't joining up. The situation back then was we had no staff to do it."*  
(NZNU Elected Officer, April 1991)

NZNU did not enforce compulsory membership beyond active recruiting by delegates who informed nurses that membership was legally compulsory. The compulsion itself was objectionable to many, who were in any case protected by blanket coverage of the award:

*"(One nurse) always attended meetings, quite outspoken, but I always suspected she wasn't a union members...She said I'll never beyond to your union as long as it's compulsory, but come May it's quite on the cards that I'll join."*  
(NZNU Organiser, Feb. 1991)

In late 1990 NZNU officials were optimistic about the likely change to voluntary unionism, as so much work has been put into organising private sector nursing since 1987.

*"I think nurses on the whole have become much more unified over the last few years. People aren't talking about leaving because of voluntary unionism...talking about continuing and needing to be stronger because of the economic climate."*  
(NZNU Elected Officer, April 1991)

Like NZNA, officials felt NZNU provided for private sector nurses' professional needs, including indemnity insurance, but in their view professional issues were not their members' first priority in belonging to the union.

*"They see we can cover their professional needs as well but that's not the reason they belong to us, they belong to us for the industrial cover...Ours says 'Union' so they know exactly why they belong."* (NZNU Organiser, Nov. 1990)

NZNU officials saw potential membership growth in the continuing expansion of the private health sector under present government policies. However, it was recognised that a permanent membership drop of 20% under voluntary unionism, such as that experienced in 1984-85, would affect NZNU's financial viability. NZNU attempted to get fee deduction written into the 1990 Private Hospitals award, but without success. Although most employers were deducting fees, some used the discretionary nature of deductions as a weapon against the union during disputes. Without deductions or automatic payments members easily become unfinancial, and this was seen as likely to cause membership losses. In November 1989, with an eye already to voluntary unionism, NZNU had held a general back-fee amnesty.

*"There will be problems when people get a big bill they know they don't have to pay."*  
(NZNU Organiser, Feb. 1991)

*"With voluntary unionism around the corner, every action we take we have got to think, how is this going to encourage members' commitment to the union."*  
(NZNU Staff Officer, Nov. 1990)

In November 1990 the broad content of National's proposed Employment Contracts Act became known to Wellington unionists and it was clear that, not just voluntary unionism, but the fragmentation of awards to individual enterprise bargaining could seriously affect NZNU's viability.

### **The Changing State Employer**

Just as differences between the membership characteristics of NZNA and NZNU stemmed from their different public and private health sector coverage, so too the differences between their negotiating and organising situations stemmed from the differences between the public and private sector health employers with whom they dealt.

As a union representing public sector nurses, NZNA was certainly a secondary form of organisation of workers organised primarily by one central government purse string

- Vote: Health. Much of NZNA's industrial strength, relative to other women's occupations, has derived directly or indirectly from that fact. Current difficulties in both negotiations and in hospital workplaces stem from changes in the role of the state as employer, as well as changes in its responsibility for public health care. Although NZNA's national and rather centralised structure derived from its historic function as a professional association, this was reinforced by a long relationship with a centralised national employer: the state. This contrasts with the regional development of most private sector unions, such as the clerical workers and cleaners unions.

NZNA's development paralleled the growth of state responsibility for public health services and the state's role as the major employer of nurses. The first standard code of nursing pay rates was suggested to hospital boards by the Health Department after universal free hospital care became fully funded by government in 1938. The employer-employee relationship between the Health Department and nurses represented by NZNA was reinforced through successive legislation. However, NZNA encountered increasing difficulty in negotiating with its state employer over the late 1970s and early 1980s.

When Labour lifted the wage freeze in 1985, NZNA argued that low nursing wages had slipped against both inflation and wages in other occupations. The Health Department (1985) had identified a severe nursing shortage and recommended incentives for nurses returning to the workforce and recruitment of overseas nurses with recognition of their qualifications. This report was backed by BERL research on nursing migration and economic cycles and NZNA's own research which linked the shortages to wage rates. Despite this, the Health Services Personnel Commission made a nil offer and procrastinated on further negotiation. This led to the 'Nurses are Worth More' Campaign and for the first time ever, nurses' gave 14 days' notice of a one day strike.

In 1986 the Labour government appointed a taskforce to review health services. Its 1988 report reflected the market philosophy its Business Roundtable chairman (Gibbs 1988). Inefficiency, waste and waiting lists were grounded firmly in lack of 'managerial prerogative' (NZNA 1988b) and the restructuring of health management began, in line with the State Owned Enterprises Act 1986 and State Sector Act 1988. Despite

disclaimers, the Gibbs report provided the script for policies of both Labour and National governments, but the driving force behind the policies was government deficit as the recession deepened and tax revenues fell.

Under the State Sector Act, 1988 and the Area Health Boards Amendment Act, 1988, Area Health Board management and labour relations were restructured. Chief executives of Area Health Boards were given full responsibility and power to hire and fire, along with a vague requirement to be 'good employers' and provide equal employment opportunities. The Area Health Boards, coordinated through their Association, became the negotiating employers, but the State Services Commission maintained central government's interests in award negotiations.

While these changes gave greater nominal autonomy to Area Health Boards as employers and managers, policy enforcement through fiscal control increased greatly in Labour's second term. Area Health Boards were under contractual obligation to the Health Department to pursue new strategic health priorities but their ability to do so was limited by budgetary pressures and 'accountability'. As reducing the internal deficit became a primary goal of government, the public health 'service' became the health 'industry' and managements became budget driven. Boards were expected to absorb wage increases in 1987 and 1988 (Walsh & Fougere 1989:220), then health budget cuts in 1989 and 1991. A shift to population based funding affected some boards more than others, with variation also in the timing of the budget squeeze. When the Auckland Area Health Board attempted to resist government policy by overspending its budget, its elected members were dismissed by the Minister of Health and a Commissioner appointed. Wellington Area Health Board was threatened with similar treatment. As Pat Walsh and Geoff Fougere point out, there were inherent contradictions on the employer side of the table:

While the credibility of the general managers' industrial strategy depended upon the Government's firm resolve not to provide additional funds, the elected boards had good reason to press the Government for more.

(Walsh & Fougere 1989:224)

However, with regard to managers, the inverse of this point was also true: labour relations aspects of the State Services Act had linked general managers' personal



career interests to successful implementation of government policy. Under budgetary pressure for management efficiency, beds, wards and hospitals were closed, services centralised, reorganised or restricted to weekdays only, staffing levels fell and workloads intensified. Facilitating government health cost reductions were management restructuring, appointments with business rather than health expertise, and managers' terms of employment under individual, performance-based contracts. Health managers were not prepared to take a stand against the budgetary pressures imposed on them.

*"When the first lot of cuts came in, they said they didn't like it any more than we did. We said, well, why don't you come with us to government and say it's not good enough. Oh no, we couldn't possibly do that, we couldn't be seen to be political."*  
(NZNA Staff Officer, March 1991)

A central purpose of the State Services Act 1988 was to reorganise state bargaining on department - i.e. 'industry' - lines, rather than occupational Determinations which applied across the whole civil service. With nursing, occupation and department coincide, but in 1989 the existing national Determination needed to be codified as an award under the Labour Relations Act 1987, incorporating block conditions from the Health Service Personnel Commission manual for the whole public health sector:

*"A time consuming and messy exercise."* (NZNA Staff Officer, March 1991).

From 1989 until 1992 this national award covered all categories of nurse employed in general and obstetric hospitals by Area Health Boards; each nursing job category was described and assigned to one national pay scale. It was now a minimum rate, rather than a paid rate, document, giving employers the 'flexibility' to pay above-award rates - an option they did not use.

In comparison with the awards for clerical workers and cleaners it was an elaborate document. It incorporated civil service conditions achieved in the past - leave entitlements, including long service and tangihanga leave, meal and rest breaks, public and state service holidays, transfer provisions. It spelled out the requirements, protections and payments of a 24 hour service - overtime, penal rates, night rates, rostering rules and minimum breaks between 'shortchange' shifts, clothes changing time, call back conditions. There was no differentiation or disadvantaging of parttime workers. Additional allowances covered transport, isolated workplaces and relieving,

uniform and shoe allowances. Concessions to professional requirements included payment of practising certificate fees, leave to attend NZNA section groups, the Nursing Council and statutory boards and committees.

A notable feature of the award was the very generous, cumulative sick leave provision in the first few years of employment, which had been achieved through the 1970s. Another feature was a clause setting out legal parental leave entitlements with an extra incentive of 30 days' pay (to women only) returning to the nursing workforce.

The award, like the historically confining labour relations system itself (Harvey 1992:60), focused on negotiated rates and conditions. In areas of concern arising from the content of nursing work, the union's role and rights in the workplace and in relation to management were much less clearly spelled out.

*"In a lot of situations our document isn't that good, you can't slap it down and say, it says you shall do this or that like the Ten Commandments, because quite often it is 'may' which is discretionary to them anyway."*

(NZNA Organiser, April 1991)

However, a major addition to the award, gained in the settlement of the 1989 strike, was the Protocol on the Management of Change, under which NZNA became involved in:

...any review (prior to the commencement) which may result in significant changes to either the structure staffing or work practices affecting employees...  
(NZNA 1990b)

The NZNA officials interviewed were convinced of the need for a national award. From a union viewpoint, one award united the national strength of nurses behind smaller or more vulnerable groups of nurses. But NZNA's preferred argument was based on professional concerns and ideals of service. The same quality of nursing care should be available to patients anywhere in the country and this would be undermined by regional rates. Uniform national rates encourage the mobility of highly experienced and qualified nurses between regions.

The national award also paid equal rates to grades of nurses across specialisms: in NZNA's view, if each kind of patient is entitled to an equal standard of care, then all nurses are entitled to equal rates and conditions.

Uniform recognition and reward across nursing specialisms is increasingly important in the context of changes in medical and nursing technology. The connection between masculinity, technology and reward (Cockburn 1985) mean that increased nursing skills are more likely to be recognised when they related to increased technical hardware. But this tendency reproduces the devaluation of traditional 'nursing' skills and advances in knowledge and skills in 'down market' areas which involve less hardware and gadgetry, such as paediatrics and geriatrics.

*"People who work in operating theatres have technical skills but don't exercise the same interpersonal skills as someone looking after a dying old lady. The minute we get into those comparisons, we are devaluing the very skills of nursing."*  
(NZNA Elected Officer, Dec. 1990)

Connections between masculinity, technology and fashionable medical specialisms may affect budgeting and funding, as units become costed separately and competition between them is increased. Private care of the elderly provides ample cautionary examples to support these arguments, made by NZNA and NZNU alike, since much of the split between public and private health care services is along these lines.

In sociology of professions terms, NZNA's arguments in support of a national award may be seen as seeking to maintain a level of reward appropriate to the quality of nursing work which the profession ensured through its control of education and certification. This is the basis of NZNA's historic bargain with the welfare state, and the means by which it has ensured nursing's labour market position relative to other female dominated occupations.

## **Negotiating in Public Sector Health**

Negotiations with the State Services Commission and Area Health Boards from 1988 was a very different experience for NZNA from dealing with the old Health Services Personnel Commission. In November 1988, the employers initially offered a nil pay

increase to avert job losses; penal rates, call back and other allowances were attacked; and senior nurses were to be removed from award coverage. NZNA was fortunate in 1988 to have just supplemented their industrial officer with an assistant with a private sector experience. The whole procedure became more formally negotiated via mediators, much more confrontational, and, in NZNA's view, logical, well documented argument appeared to have little place.

*"I find it very frustrating the games men play, wage negotiations where you don't even think about settling until 4 o'clock on the third day of the second group of talks...As they went out, one said, oh well, we won that one. I thought it was about negotiating, not winning and losing...The employers are as locked into this ritual as those darlings from (a certain union)."*

(NZNA Elected Officer, Jan. 1991)

NZNA tried to take as many nurses as they could afford along to negotiations, partly to have every kind of nursing expertise available and partly because:

*"Until they see the employer sitting there saying, 'No, I am not going to give you that', they don't believe how difficult it is to get the employers to budge."*

(NZNA Staff Officer, March 1991)

A hospital aide acting as an award assessor reported:

I found the whole system very frustrating, mainly because the State Services Commission panel seemed so apparently ignorant of the issues facing our members and some of their ideas were so off track they weren't even funny.

(Kai Tiaki June 1990:12)

The employers were often represented by personnel officers, not General Managers, with few nurses or women. In 1988:

*"We made the comment that if they were negotiating with a predominantly female workforce we would appreciate it if they had more women on their negotiating team - the next year they did."*

(NZNA Elected Officer, Nov. 1990)

*"I think women negotiate in a very different way from men, tend to be logical in their presentation, have done their homework and are willing to listen and to compromise...Any nurse worth her salt negotiates for her client, for her family, in the hospital, so as far as negotiating skills, they just need a bit of honing."*

(NZNA Elected Officer, Nov. 1990)

But although the employers' team had representatives from the hospitals, the Area Health Boards, their Association and the State Services Commission, the ultimate employer was hiding behind the arras at each award round.

*"They have to have Cabinet approval for their limits, so it's not a free and frank negotiation."*  
(NZNA Elected Officer, Nov. 1990)

*"This hands off policy - we found out there was a group of six cabinet ministers, every time the settlement was coming close, the State Services Commission would run off and tell them. We have said, we'll go and talk to these people. They get all twitchy about that, because they want to be seen as the ones managing their hospitals. The reality is they aren't. Not in money matters anyway."*  
(NZNA Organiser, March 1991)

In the first award round under the State Services Act it took industrial action in February 1989 to get a 2% wage increase, no clawbacks and the Management of Change clauses, but coverage of senior nurses was lost. This was a nine month document only. In 1990 4% was achieved, with changes to charge nurse margins and referral of various clawbacks to a joint working party.

In late 1990 NZNA initiated its 1991 round with a claim of 3%, in line with the Growth Agreement between Labour and the NZCTU before the change of government. Employers were warned of nurses' willingness to take industrial action to ensure settlement before 1 May<sup>5</sup>, not the award's expiry date 30 June. On 30 April 1991, all public health sector awards were rolled over at the nil wage increase announced by government for the whole state sector. That was the same day nurses' strike action in protest of the Employment Contracts Act was prevented by an injunction sought by employers over its legality.

NZNA officials pointed out that, over the two-and-a-half year period between the State Services Act and the Employment Contracts Act, nurses' wages had increased 8% while inflation over the same period had been around 14%. This 8% was below the increase achieved for most male dominated private sector awards over the same period. With the repeal of the Employment Equity Act, 1990 the possibility of a pay equity adjustment had been lost. This was despite demonstration by nurses of their willingness to take strike action in support of both their claims and against legislative changes which they saw as

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<sup>5</sup> The intention of government had been to introduced the Employment Contracts on 1 May 1991; procedural delays, rather than recognition of International Labour Day, meant it was finally enacted on 15 May 1991.

against their interests. Neither of the actions threatened by nurses in early 1991 were to achieve pay increases; they were to protect their negotiating rights.

*"People are saying to us that they would rather have their conditions than money, now that's the first time...they would rather have their jobs and conditions."*

(NZNA Staff Officer, March 1991)

Wage rates had successfully been held down during wage rounds since the State Sector Act, but a main target of employer attack over those years was conditions rather than basic pay rates. As well as continual pressure on penal payments for working unsocial hours, employers chipped away at allowances, such as for transfer of employment, call backs and transport. Transport allowances are important to nurses since little public transport operates when most shifts begin and end and personal safety becomes an issue.

The decimation of higher nursing grades as part of Area Health Board restructuring meant more staff management tasks were being devolved to charge nurse level. In 1990, far from rewarding the greater responsibility and skills this involved, employers suggested extending individual contracts to charge nurses as 'management'. As part of the 1990 settlement, contested items were referred to a joint union/management working party, but this became hard to convene as management awaited the new regime under National. A joint working party had been working for some time on changes to salary structures, including penal rates and a clinical career path (NZNA 1988a).

Penal rates and allowances were an important part of the earnings of those who provide 24 hour care in hospitals. In Auckland Hospital, for example, only 14% of nurses, including the charge nurses, work normal daytime hours from Monday to Friday. NZNA estimated that approximately one third of their membership was on a basic rate which was less than the average wage. Penal rates raised the wage bill, but to remove them would bring certain industrial action since nurses relied on regular penal rates to top up their base rate to an adequate recompense. As NZNA's President wrote in an editorial:

If employers...are having even the teensiest wee fantasy about nurses giving up their penal rates, I can only say 'FORGETIT'. That is, unless the managers intend coming on to the wards and departments at 8pm and staying overnight and every weekend, because the nurses will have gone to the beach.

(Kai Tiaki Dec/Jan 1991:2)

Instead, management had been cutting its penal rate bill where possible by reorganising services to daytime and weekday schedules only. This also reduced earnings, but the attack was less direct if the requirement and opportunity to work unsociable hours were simply not there.

On the change of government, officials felt NZNA had its negotiating position and strategies much more clearly thought through than had the employers. Employers seemed slightly surprised at the pressure from public health unions to renew awards for another year before the introduction of the Employments Contracts Act. Their greater concern was with funding and with National's new Taskforce on Health. The objectives set for the Taskforce already included a philosophical separation of 'health service funders and providers' likely to mean more institutional restructuring. At this point, in NZNA's view:

*"The wild card is the government."*

(NZNA Staff Officer, March 1991)

### **Management Rules OK?**

Award negotiation remained essentially centralised between 1988 and 1991. However, the 1988 Act restructuring Area Health Board devolved management control into the hands of budget-driven administrators. Despite some variation between regions, this changed and hardened workplace employment relations for nurses.

The old triumvirate system of medical superintendent, administrative manager and chief nurse that had operated in most hospitals provided three interacting hierarchies of responsibility. On paper the management triumvirate was a trinity of equality. The ultimate bureaucratic measure of power and status, office furnishings, showed the true picture: the doctor was God.

Restructuring hospital management placed private sector executives in policy setting and management positions placed managers on short term performance contracts and set them budget-trimming performance goals. Management numbers were increased to provide cost accounting and a new phenomenon, planning.

*"Two things we agreed with the Gibbs report on: one was lack of information systems; the other was that there are very few skills in management within the health sector."*  
(NZNA Elected Officer, Nov. 1990)

Initially, the proposals for structural changes had inspired hopes of improvement: that medical power would be challenged and reduced; that 'good management' would move on some of the 'deadwood'. This included, in the view of NZNA officials, some senior nurses whose management skills had been questionable and whose disciplinary style could be devastating.

*"Never any degree of confidence that nurses' interests would be protected... Those people tended to be divorced from the realities that were facing nurses."*  
(NZNA Organiser, April 1991)

But in the restructuring, it was more than a few 'old school' nurses who disappeared. Nursing as an autonomous profession was decapitated, with the traditional career path in nurse management all but lost. Chief and principal nurses' positions were abolished, usually through attrition and non-replacement, or converted to advisory positions; the supervisor position above charge nurses all but disappeared. When nurses above Grade 16 were removed from award coverage in 1989 in accordance with the State Sector Act, many had already gone; by 1991 only around 100 nursing positions above grade 16 remained.

The decapitation of the nurse manager career path came at the very moment of an generational revolution in NZNA, which might otherwise have defended the profession's senior jobs. There was still some ambivalence in NZNA towards the 'old guard' of nurses; delegate structures were not in place to relay information rapidly to officials; many positions had gone before NZNA officials heard of proposed changes. The overall effect on the profession of these rapid changes was more easily seen in hindsight.

*"I would have thought losing your principal nurses throughout NZ would have been a huge professional issue to pick up and to have fought tooth and nail, but I don't believe NZNA did anything really."*  
(NZNA Organiser, June 1992)

Many unit management tasks, unit budgeting and staff rostering were pushed down on to charge nurses, without additional instruction, recognition or remuneration. This was often welcomed by charge nurses as giving greater job control and responsible



autonomy. By 1991 unit managers - not nurses - were being appointed to oversee these tasks.

Management positions were open to nurses with the requisite qualifications and skills. Some few had moved into these jobs; by 1991 one General Manager was a nurse. But generally the chain of communication, knowledge, responsibility for nursing care from bedspace to hospital policy had gone. The concept of autonomous nursing might continue to be emphasised at the bedside but the career path that provided a high degree of professional autonomy over the whole nursing labour process had been severely cut back. Nursing had been capped by a layer of service managers who needed nursing advice.

*"There is far more middle management than ever before. Whereas before the whole of nursing was done through the chief nurse, the whole of the medical stuff through the medical superintendent, the whole of administration through the general manager...What you create is a manager at every point...The power of nursing to administer itself is being chopped back to that level."*

(NZNA Staff Officer, March 1991)

There was some variation between Area Health Boards. Auckland was the early example of rapid imposed change. In Canterbury there was never a triumvirate, even on paper. In Southland the triumvirate became a straightforward chain of command: administration manager, medical supervisor, principal nurse - which brings the nurses firmly under the doctors. NZNA found Southland to be particularly intransigent as an employer, despite benefiting under 1990 funding changes.

*"That's where all my personal grievances are. I thought at first I was a failure as an organiser because I couldn't settle things without going to a grievance hearing, but I recognised finally it's the people you are dealing with, because every grievance has been successful."*

(NZNA Organiser, April 1991)

Elsewhere, cooperative attitudes towards NZNA officials changed with new management personnel, or under pressure of further cuts, such as a 10% overall funding reduction in 1991. The adjustment to population based funding criteria and differences in the nature and timing of budget cuts and restructuring of individual Area Health Boards meant NZNA had to meet crises and attacks on staffing levels at different times around the regions, as well as the overall attack on the award. Nurses were 50% of hospital workforce numbers, but 80% of the labour cost, because nurses (and a few junior doctors) were the ones who

were there 24 hours a day, 7 days a week. Budget-driven managers saw nursing as a wage cost, not as the essential service entailed in the hospitalisation of patients.

*"It's the era of the bean counter, the controller of the money."*

(NZNA Elected Officer, Jan. 1991)

Nurses are united in recognising that management restructuring constitutes an attack on nurses and on nursing as a profession (Thomson 1990:51-52,112).

*"Nurses were getting into a very powerful position, we were saying, go away, nurses control nursing, don't tell us what to do, this is a nursing matter...a very highly qualified nursing workforce who were becoming a real challenge in their own right. They've been kneecapped, our career structure is gone."*

(NZNA Elected Officer, Jan. 1991)

For many years NZNA had been proposing a clinical career path for nurses, to complement the nurse manager and nurse educator paths. This would mean non-management positions above charge nurses within each unit for a clinical nurse specialist who would take responsibility for orientation, backup, and updating and developing nursing skills and procedures for new technology. In 1991 real progress began to be made on this with employers, just as opportunities for a specifically nursing career up through management to Chief Nurse had disappeared.

Two views were expressed about this. One was:

*"If you are talking about managing a nursing service, then nurses should manage a nursing service because other people don't know about nursing services. If you are talking about managing nurses, you don't need a nurse to do that."*

(NZNA Elected Officer, Nov. 1990)

The other was the 'nursing has been kneecapped' view. This recognised that the new management hierarchy was not just about management skills, it was about control and about power.

The 'professionalisation' strategy that promotes nursing as an autonomous profession may be seen as ideology or professional closure, but that too has its inherent 'industrial' side. More than ever, management exercises the power of decision making. Management decisions affect nursing as a professional practice and nurses as workers, and nurses are no longer in positions where they have full power to make decisions

which affect nurses. Non-nursing managers now control staff and control outcomes of the small negotiations around nursing practice in the workplace. Staff nurses and enrolled nurses may well have sometimes wondered whose side some senior nurses were on, but that is not the issue. Retaining nurse manager positions is about retaining a measure of power for nurses inside an extremely hierarchical health system, and that is an industrial issue. Making it work for ordinary nurses would also be an industrial issue.

Initially, doctors too felt threatened by increased management power under restructuring. Funding restrictions and budgets placed unaccustomed limitations on medical priorities and prerogatives. By 1991 the evidence of service manager lists from Canterbury and Auckland was that medical men were moving into the top layer of management positions.

*"The power is with whoever controls the money, not who has the theoretical or clinical knowledge, so naturally doctors would crawl on bare knees over broken glass to get there."*  
(NZNA Elected Officer, Jan. 1991)

### **Workload Intensification**

Intensification, rather than technology, was the major change in the nursing labour process in the last few years. Short staffing and time pressure were the two most common causes of frustration identified by nurses in a national survey in 1989 (Walton 1989:35). NZNA officials interviewed for this research reported workload intensification as the major workplace issue as rapid restructuring impacted on the individual nurse. It connected to issues of stress, safe staffing levels, and nursing turnover and shortages. The term 'intensification' comes from labour process theory; in nursing practice the problem was seen as 'increased patient acuity'. As patient bed stays were shortened under tighter budgetary management, the overall level of illness in the ward increased. A similar effect resulted from the transfer of public hospital long stay patients to lower staffed private hospitals and resthomes. The intensity and risk levels of nursing work were increased. This was risk not only to the patient but increased risk to the nurse: back injury is to nursing what repetitive strain injury is to clerical work.

Each day nurses chart the level of each patient's dependency and from this a formula establishes the staffing levels needed for the following day. The formulas were considered inadequate by nurses and by NZNA. Among other things, they did not include the half hour's work it took to plot the dependency of, say, five patients. It is not just the number of nurses that ensures safety, but the mix of qualification, experience and familiarity and of permanent or bureau nurses. The formula had been used effectively by NZNA officials to argue about safety and to support nurses refusing to work below that staffing requirement, yet in 1990 organisers reported that many wards were routinely working below this staffing level.

In the hospital labour process, acuity has been organised and concentrated into particular units and particular hospitals. Auckland public hospitals are the acuity centrifuge: not only is Auckland the car crash capital of the country, but very sick people are flown in from Kaitia, Waikato and Tonga. They are moved on again quickly to clear bedspaces. This situation has provided opportunities for politicking between consultants and budgeters via the front page of the NZ Herald. It was, however, charge nurses who retained the autonomy to close off admittance to Critical Care, because nurses were the front line of 24 hour patient care.

The call for 'safestaffing levels' combined concerns about professional standards with concerns about job stress and job security. In 1989 Auckland Hospital nurses identified it as the most important priority for NZNA (Thomson 1990:57). NZNA prepared a guide for safe staffing levels and protections for nurses in the award. With increasing acuity or higher surgical workloads, hospitals or units could be up to prescribed staff levels - Auckland was not - and yet have dropped below what the nurses on the job considered to be safe levels. The mix of experienced and inexperienced, permanent and casual or bureau nurses, adequate clinical resource and the amount of administration now devolving on to charge nurses also affected safe staffing levels.

In June 1992 NZNA surveyed members registered or enrolled for more than 11 years. Of 403 respondents, 31.6% believed that there were not enough nurses in their ward to

provide safe care. Many felt that inadequate funding was compromising patient care. Fewer than half expected to still be in nursing in five years' time.

Staffing levels have been identified as a major factor in nursing stress:

(Nurses) are obliged to spread their work thinly, work in unfamiliar wards, skimp their service, work long hours and cumulative shifts, accept more clinical responsibility than that for which they had been trained and then, with only a few exceptions, have their study periods curtailed. The staff shortages made inroads in their private lives and eventually induce absenteeism, discontent with the job and lowered morale.  
(Green, Taylor, Walkey 1989:14)

Nurses' health is affected, as is job satisfaction. Those who are not coping may leave the job or profession, passing the load on to another less experienced nurse. Nelson nurses who thought they should and could cope when management did not respond to their concerns were eventually all sent on sick leave by the Area Health Board's occupational health officer (Kai Tiaki July 1990). The Nelson incident illustrated the need for individual nurses to recognise personal work problems as aspects of collective problems for the whole profession. Nurses' call for safe staffing levels was not just about professional standards, it was also about control over nursing work in the face of budgetary attack.

The pace of recent change, and the concomitant confusion and lack of planning, had become an issue in itself. Since 1983 when Hospital Boards became Area Health Boards public health service restructuring has been continual, with no time to let a new system settle before the 'next lot of service restructuring (that) will be the one that fixes things' (Kai Tiaki Nov. 1990:16).

*"People have a speed wobble, just constantly assaulted by change. It does feel like an assault, with each change it puts more pressure on them, they feel their working conditions get tighter and tighter."* (NZNA Organiser, Jan. 1991)

One suggestion was that nurse managers needed better negotiating skills to persuade managers of the resources required for safe care. However, with the depletion of senior nursing ranks, it seemed nurses themselves would have to draw the line. In recognising the link between industrial and professional concerns, NZNA officials felt a strong professional identity would enable nurses to refuse to continue to work in unsafe conditions. But at Auckland:

The hospital's nurses don't share these visions - they are more concerned with sheer survival - getting to the end of a shift safely while standards slip and systems turn on their heads around them. (Kai Tiaki Nov. 1990:16-17)

For NZNA officials, as well, the constant change was frustrating. Under the Growth Agreement, NZNA negotiators were all set to redefine the meaning of 'productivity' and argue in their wage claim that nursing workloads had been intensifying for several years with no recognition for performance at all. But things changed - first the government, then the basis of New Zealand labour relations, then came new restructuring proposals for a fundamental institutional shift to the public funding but separate contracting out of health services (Upton 1991; National Interim Provider Board 1992).

### **Private Sector Health Employers**

In contrast to NZNA's central relationship with its single state employer, NZNU had to deal with a variety of employers, documents and employment situations. In this respect its situation was typical of private sector unions, and closer to the situation of the clerical workers unions discussed in Chapter 7.

Private sector health is a growing and profitable area of the economy, one of the few in recent years. Private enterprise has always played a part in New Zealand's public health services. The medical profession was able to influence political decisions on which services would be state funded to ensure universal access and sufficient capital investment. In others the special relationship between physician and patient continued to be expressed through the professional right to set a fee for services (Hay 1991), although increasingly state subsidised. When most hospital services were transferred to central government responsibility in 1938, some small hospitals and resthomes, particularly those established by religious and welfare organisations, and general and specialist practices continued in private ownership.

During the 1970s and 1980s private hospital services expanded under tightening state budgets and free market ideology. Hospital waiting lists increased 'user pays' solutions for those able to afford it. Public hospital budget cutting, Social Welfare subsidy

arrangements and 'back to the community' slogans shifted geriatric and psycho-geriatric long stay care out into the private sector. The private health 'industry' is also fuelled by private health insurance marketing to meet both routine family health care by general practitioners and fears about delays and inadequacies on public hospital services and the policy shift from universal free access to 'user pays' health care. The funder/provider split proposed by National's Taskforce on Health in 1991 (Upton 1991) promised future expansion of business opportunity through contracts to provide established public health services.

There have been a few recent bankruptcies due to over-rapid expansion of private health enterprises, but generally private health is a successful area of capitalist expansion. The areas most favoured are low capital, low risk routine surgery, routine Accident & Emergency, and geriatrics. High risk, high cost areas of major surgery, serious illness and critical or intensive care continued to be covered by public expenditure. With an aging population there is profitability in geriatrics and other long term care. There is money being made in private health services.

*"Each year employers say, 'We are poor, times are tough', so we do some research about growth, plush shag pile carpets, new hospitals or wings opened...so we can say, well, let's look at that."*  
(NZNU Staff Officer, Nov. 1990)

Profitability in private health often relies on forms of state funding and subsidy which have always blurred the line between public and private health provision. Plunket clinics and Nurse Maude district nursing are long established non-profit privately organised services which attract considerable state funding, as do Family Planning and the Help Foundation. GPs set their own fees and run practices as private businesses, yet receive a state subsidy for their practice nurses' wages as well as a subsidy per patient visit. Social Welfare subsidises Care available to long term patients in private care, but not in public hospitals. In 1974 Accident Compensation was devised as a cost effective alternative to medical misadventure or negligence suits, which benefited employers, medical and nurse practitioners and insurers as well as workers, the general public and the welfare state. Looked at from another angle, ACC has been a means by which state funds have passed into the hands of GPs, physiotherapists, chiropractors, podiatrists and dentists for visits

related to accidents and encouraged the recent growth in sports medicine as a private health market niche.

Although a union for nurses employed in the private sector became feasible with the legislative reforms of 1936, NZNU was only established as a result of the expansion in private health care and through nurses' struggles in the 1970s. Its members remember how things were before the awards and understand the risks to them in bargaining 'reform'.

*"Some unions have had awards running for many years and no one can remember the fights that went on to get those conditions. Our membership can remember. If the young ones weren't there, they will certainly tell them...No way they want to go back to the situation where they were more or less at the mercy of the employers as to what wages and conditions they worked under."*

(NZNU Organiser, Nov. 1990)

*"It actually surprised me...how strongly they felt about their award, just how informed they were, when you took them step by step...of what exactly the implications were."*

(NZNU Organiser, Nov. 1990)

For a theatre nurse, returning to the workforce, who found employment in private sector nursing in the early 1970s:

*"The conditions were so appalling I couldn't believe it...Being fairly young I had never asked what people were going to pay me, it just didn't occur to me that it would pay 20c an hour less than a meat packer's job, with no secure hours...I found out I was underpaid for the first three years of the award."*

(NZNU Organiser, Nov. 1990)

Until NZNU was registered in 1974, there was no compulsion for private sector nurses to join a union. Their membership of NZNA was low; nurse aides were in any case ineligible. Once NZNU was registered, membership needed to be built up, as well as awards negotiated. Since a degree of employer cooperation was needed for access to members, the preferability of coverage by a nurses' organisation was pointed out to employers.

*"One thing we played on a lot...was that if they didn't have a nurses' union they would have the cooks' and cleaners' union covering everything...and we were nice nurses."*

(past NZNA/NZNU Officer, Feb. 1991)



A similar argument was put to the nurses themselves. On the one hand, they would receive protection and minimum rates and conditions; on the other hand:

*"This will be your kind of union, it will be different, it will have some professional input."*  
(past NZNA/NZNU Officer, Feb. 1991)

NZNU was registered under the Industrial Relations Act, 1973, which allowed direct negotiations between unions and employer groups. It was through Court arbitration, however, that NZNU achieved its awards and levered private sector nursing rates up towards the level of wages for nurses in public hospitals.

NZNU negotiators initially proposed one Private Sector Nurses Award to cover its nurses, on the model of NZNA's document covering public health services. They were unable to achieve this against opposition from the diverse range of private sector employers. They took their claim to the Arbitration Court which ruled that five separate documents should be negotiated with different groups of employer. Four of these were settled the following year. The struggle was then to bring rates and conditions up to parity with public sector nursing, in most cases by exercising their right to arbitration on award claims. The case for state parity was most easily argued in the case of employers who received government funding.

*"The conditions we agreed to in the beginning were very poor, particularly for parttime workers...We didn't realise how many of our members were parttimers and it has taken years of chipping away to change those conditions."*

(past NZNA/NZNU Officer, Feb. 1991)

The award for **private hospitals** was settled in July 1975. In 1976 NZNU obtained a Arbitration Commission ruling for a 31% increase for nurse aides, and 9% for other nurses. In 1978 a Court ruling gave parity with the public sector rates. Over the next ten years slow improvements were made in conditions - for parttimers, penal rates, call backs, leave. In 1986 25%-30% was achieved to compensate for inflation during the 1982-85 wage freeze.

In negotiating the **occupational health nurses award** in 1974, NZNU officials found themselves dealing with large manufacturing and freezing works employers.

*"It was a real learning curve for me...Their main objective was to make sure that there was nothing in the award or its conditions that could lead a change in their other awards."*  
(past NZNA/NZNU Officer, Feb. 1991)

These employers attempted to reduce the award's coverage and effect by refusing to negotiate parity with state sector nurses and retaining a low salary bar for award coverage. This was the tactic used against clerical workers: nurses were often paid just above the exemption rate to discourage union membership. Since occupational health nurses are often the sole nurse on large work sites with other unionised workers, under Labour Relations Act, 1987 the strategy of NZNU officials was include them in composite agreements where possible. This was not seen as ideal by many occupational health nurses, the largest number of whom work in freezing works where unions are well organised but male dominated and militant. However, a composite document overcame members' isolation and weak negotiating position, while allowing NZNU to represent their interests, sort out grievances, provide indemnity insurance, etc.

*"It takes a lot of energy for one nurse but...then they are in there for good, with their various clauses relating to them."*  
(NZNU Staff Officer, Nov. 1990)

Besides belonging to NZNU for industrial coverage, occupational health nurses organised an active Occupational Health Association, whose National Secretary was on NZNU's Committee of Management.

NZNU also had 'enterprise' agreements with specific, quite large national employers, which involved small numbers of members compared to its blanket coverage awards. In November 1975 documents were settled for **Plunket** and **Nurse Maude** nurses. The Nurse Maude District Nursing Association is a South Island district nursing service run as a charitable trust and largely funded by Area Health Boards. The Plunket Society, a nursing service for new mothers and babies, received a direct government subsidy equivalent to nurses' wages until 1990, when state funding became based on a contract for services. In 1977 a state linkage clause was achieved and subsequent award rounds brought slow improvements in conditions, allowances and leave.

*"For years afterwards, people in our (Plunket) Head Office were saying, you shouldn't join the union...because we will look after you...(but) at long last we started to get better conditions."*  
(NZNU Elected Officer, April 1991)

The **Family Planning Agreement** was first negotiated for nurses in 1989. This became a composite Family Planning document for nurses, counsellors, educators and clerical workers in early 1991. The **HELP Agreement** was settled at the end of 1990.

Of the original five awards the most difficult to achieve was the **practice nurses' award**. It was twelve years before a document was finally settled at the direction of the Arbitration Court. Reasons for this long delay were: strong opposition from GPs; logistical difficulties of mobilising a rather conservative and totally atomised workforce (usually one per worksite); and two wage freezes imposed by government.

Like the Plunket Society, GPs received a state subsidy towards the cost of employing practice nurses. At the time of research this was 75% of the nurse's wage or 50% plus a benefit per domiciliary visit. The scheme began in 1971 with a 50% wage subsidy for rural nurses to improve rural medical services, and was set up by the NZ Medical Association and the Health Department without consulting NZNA. In 1974 the Medical Association secured an increase to 100% and the scheme was extended to urban practices. However, it was cut back to 75% in the mid 1980s.

*"Very few employers have ever got government wage subsidies and GPs are really the main ones...Even with that...the number of problems we have with doctors that go bankrupt is quite high."*  
(NZNU Organiser, Feb. 1992)

In 1977 doctors agreed to a voluntary code of conditions for practice nurses, but by 1981 this was clearly not working. Employers still refused to negotiate an award and NZNU went to court again. With such a high level of wage and patient subsidy, practice nurses might well be considered state employees, but in 1983 the Health Department declared the GP to be the employing party, to be represented in negotiations by the NZ Medical Association, not a Health Department negotiator. The Court required NZNU not only to demonstrate that practice nurses needed award protection, but that they **wanted** it - an unusual requirement under New Zealand labour law. The award was registered in 1986.

NZNU's reliance on the Arbitration Court to settle this award is to be noted. It shows the importance of a binding procedure for conciliation and arbitration to a female dominated occupational group with all the characteristics that lower industrial bargaining power: tiny

isolated worksites; close working relationship with employer; a strongly gendered job; and a strong moral commitment of service to a vulnerable clientele. The employing GPs, on the other hand, were well organised and represented by the NZ Medical Association, a high status professional body with considerable political influence.

Even with an award, GPs delayed paying negotiated wage increases to their nurses because their wage subsidy was paid at the time of the award round for public sector nurses. The subsidy contract with the state bound GPs to a strict demarcation of nursing duties. However, a survey of practice nurses in regard to NZNU's pay equity claim in 1990 revealed that actual duties included not only receptionist work but tasks like 'cleaning the fish tank'.

*"Practice nurses have come quite a way collectively but on an individual basis they are stuck right down in that gender inequality stuff where they are housewives for the GPs in lots of ways."*  
(NZNU Organiser, Nov. 1990)

Although all but the Plunket agreement referred to 'minimum' rates, the rates in NZNU's documents were in fact paid rates. Only one or two private sector health employers in the country paid above award rates. From 1989 all awards included three days' paid bereavement leave on the death of varying specified relatives or partners. This was a specific concern of Maori and Pacific Islands nurses and was an issue being raised in a number of unions. For both Maori and Pacific Islands people, full cultural obligations of bereavement in the extended family and community involve the time and expense of return to a whanau's traditional marae or island of origin.

In 1989 and 1990 some issues arising in NZNU's award negotiations were similar to difficulties being experienced in the public sector: budgetary pressures, devolution of management tasks onto charge nurses, workload intensification, penal rates. Others reflected pressures on private sector unions in the face of expected changes, at first from voluntary unionism, then in 1991 from much more radical changes anticipated with the Employment Contracts Bill.

*"You are basically protecting what you have got, that is the reality of the award round."*  
(NZNU Staff Officer, Nov. 1990)

In 1990 negotiations with private hospitals, NZNU officials claimed 6% against an inflation rate of 7.5%. Anticipating voluntary unionism, they asked for union fee deductions to be formalised in the award. Although 164 out of 175 hospitals were already deducting, this was refused. NZNU also asked for a joint committee on improving staff:patient ratios, because of the inadequacy of statutory requirements and current staffing levels.

Employers raised discussion of penal rates and a ten hour day. They offered a 4% wage increase offer, dependent on change in the charge nurse definition. This had just been upheld by the Labour Court in the first of two disputes of rights, awarding a nurse \$40,000 in back wages. Employers wanted to include specific managerial tasks as well as staff supervision and nursing care. Charge nurses would be responsible over 24 hours and 7 days and only 'appointed' charge nurses would be paid as such, regardless of actual work and responsibilities. Like nursing management changes in the public sector, this had implications for career paths and for staffing levels, and effectively pushed management responsibility down the wage scale, de-recognising skills and intensifying workloads without reward. Talks broke down, with nurses taking strike action before this change was dropped.

In Plunket award settlements long delays were resulting from uncertainties about government funding. In 1990 Plunket's funding was put on a contract basis like that of the Area Health Boards, and budgets were similarly tightened. That year's negotiations centred on improving rates for very low paid Karitane nurses and whether these should be performance based. These less qualified nurses work from the Plunket family centres which replaced Karitane hospitals and provide longer term attention for babies with health difficulties or poor parenting. Over 11% was obtained for Karitane nurses and 4% for Plunket nurses. Plunket health workers were included in the award and agreement reached on union fee deductions. Unsettled issues were the state parity clause, which the Plunket Society believed was no longer appropriate as labour law no longer recognised relativities, and case loads which NZNU considered unacceptably high. NZNU and the Plunket Society made a joint submission to government with regard to funding and plunket nurse case loads.

In 1991 the Plunket Society brought in consultants who recommended restructuring to a more management oriented hierarchy, and the use of highly qualified, highly paid paediatricians plus more low qualified and voluntary staff; that is, fewer registered nurses were to be employed in what was essentially a nursing service.

The practice nurses award had been stretched a little to cover private A&E clinics established in the late 1980s. Two of these went bankrupt, giving NZNU considerable difficulties in recovering nurses' wages. It became clear that some of these entrepreneur employers would be obstructive, particularly on penal rates, in the 1991 award round. In agreement with other GPs, it was decided to protect the national award and 'deal with these unscrupulous employers on a site by site basis', with a warning to nurses not to sign individual documents.

*"The maverick doctors, the new wave of doctors - the NZ Medical Association are quite nervous of them and have basically kept them locked out from most of the award talks."*  
(NZNU Organiser, Feb. 1991)

In all 1991 negotiations there was pressure from employers to remove penal rates, and concessions had to be made to renew awards at 2% before the passing of the Employment Contracts Act. However, indications at this point were that employers would want some kind of multi-employer collective contract for their particular section of the health market:

*"Most employers I have spoken to are happy they have signed up their award for another year, so they can all watch what's happening, all get used to the new environment... They might allow voluntary unionism to set in for a while before they make a move, see how much that weakens the union."*  
(NZNU Organiser, Feb. 1991)

Private health sector employers may be broadly categorised into two groups: owners or managers of commercial businesses, and managers of religious and welfare hospitals and non-profit services. Despite the rhetoric of service and care-giving frequently used, the employment relations of nurses under the first group differs little from those of other women employed by private sector businesses. The second group, while less profit driven, can sometimes be exploitative *because* of service ideals which may lead to unrealistic expectations of employees.

Crosscutting this profit/service categorisation are problems which arise from the size of the establishment. Larger hospitals tend to have more formal, professionalised employment relations and a larger nursing staff provides opportunities for support and solidarity, delegate systems, more frequent visits by union organisers, etc. The smaller the establishment, the more likely nurses are to suffer the vulnerability of isolation and the problems of highly personalised employment relations.

For example, nurses in general medical practices experience the same close, highly gender-structured employment situation as secretaries, giving rise to many of the personal grievances on which NZNU represents its members. Practice nurses are registered nurses with a stronger professional than industrial orientation, but this tendency is countered by the frequently high-handed behaviour of GPs. NZNU officials had no hesitation in publicising cautionary tales in NZNU News to impress on practice nurses their need for personal grievance protection, which under the Labour Relations Act 1987 was only available through union membership.

Because of the commercial nature of health care in the private sector, workplace relations and negotiating are very different from the collaborative employment relations that existed until recently in public sector nursing.

*"We know not to trust our employers when they say something, it's fact of life and they are not going to give us anything, but the state sector is just learning that."*  
(NZNU Elected Officer, Nov. 1990)

*"They might be giving care, but in the end it's getting people in the beds and the dollars at the end of the week."*  
(NZNU Organiser, April 1991)

When the Private Hospitals Award was renewed in 1991, it seemed likely that it would eventually break up into three documents for different kinds of employer. Religious and welfare hospitals taken together are about half the private hospital system. A second group are chains of large, well established hospitals owned by groups of doctors, major New Zealand investment companies or multinational companies. The third group are owners of quite small hospitals, usually for geriatric care, who are sometimes medical men getting in on private sector expansion, or small business people without a health sector background who have acquired a hospital as they might a corner dairy.

NZNU organisers were under no illusions about the service ideals of employers. Both large chains and small single hospital owners have a strong cost and profit orientation and can be quite ruthless with staff. Some small owners try to avail themselves of subsidised employment schemes or any other means of reducing wage costs.

*"We are going to have to get a lot harder because our bosses aren't really concerned about us, they are concerned about the money. They come up with the wonderful terms that we use, but to me it is buying and selling of human flesh."*  
(NZNU Organiser, June 1991)

If staffing levels and workload intensification were a problem in state sector hospitals, the situation was no better in private health care. The state regulates the private health sector through the Private Hospitals Regulations, 1964 and amendments in the 1970s. The Regulations set out the number of registered, and registered or enrolled, nurses per number of beds for which the hospital is licensed. The formula averages one qualified nurse for every 5 beds, but this ratio includes nurses employed in management work and covers 24 hours of care. There is no regulation or recommendation governing the number of nurse aides who do the bulk of the caring work in long stay hospitals. NZNU's members have been experiencing the same tightening of staff levels and workload intensification as the public sector.

*"Over a full week it works out at 7 minutes of a registered nurse's time per patient, per shift."*  
(NZNU Staff Officer, Jan. 1991)

This inadequate regulation of private sector hospitals had both professional and industrial consequences for NZNU members.

Nurses must not interpret structural problems within the health system as individual failings...nor should our harshest criticisms be of each other.  
(National Secretary, NZNU News July 1988)

*"We get the nurses to document increased numbers of skin tears, increased falls, that's the only way we can fight it. We haven't got good regulations we can fall back on."*  
(NZNU Organiser, Jan. 1991)

NZNU officials considered the regulations inadequate to ensure standards of care and had been lobbying since 1987 for a review. More recently they had been seeking the appointment of a Health Commissioner and Complaints Process for health care in both public and private sectors.



In the larger private hospitals, the 'employer' with whom the organiser and delegates deal with on a day-to-day basis is usually a nurse in a management position, rather than the owner. The manager named under the Private Hospitals Regulations and any senior nurse paid above \$37,500 were exempted from the award, although some were members of NZNU. This meant that good communication between nurse 'employer' and union officials about nursing and standards of care was often possible.

*"(They are) pretty loyal to their owners...but because they are nurses, they have a loyalty to nursing, they know about nursing, know the difficulties, and relate to me as an organiser and as a nurse."* (NZNU Organiser, Jan. 1991)

*"If you have got a business man running the place they haven't got a clue. They don't want to know either, all these women making a fuss...Our job is to sort out the fuss."* (NZNU Organiser, Nov. 1990)

However, the Principal Nurse 'employer's' very professionalism and nursing knowledge can lead to high expectations and quite harsh treatment of the less skilled nursing staff in private hospitals. NZNU officials felt the low ratio for qualified staff unfairly places unqualified and inexperienced staff in situations of patient risk for which they are not trained. When incidents occur, an industrial issue - a warning or a dismissal - results from what management would see as a professional failure, but NZNU would see as a failure of management.

Under the Private Hospitals Award, the religious and welfare hospitals tended to be better employers than the profit-seeking businesses. Some were quite progressive in their principles. For example, NZNU's Maori organiser worked with the largest church hospital chain on aspects of implementing a commitment to the Treaty of Waitangi. However, as occurred on some of the clerical unions's community service worksites, and indeed with unions themselves, some of NZNU's disputes with religious and welfare organisations arose when employers saw themselves and their staff as so dedicated to service ideals that the normal paradigm of employment relations did not apply. An example given was award breeches and unreasonable expectations in a small Catholic hospital employing mainly Catholic nurses.

*"The nuns were in the management jobs but of course the law didn't apply to them, they were nuns...Only answerable to God."* (past NZNU Delegate, April 1991)

## Organising Nurses

These differences between employers and workforce distribution in the public and private health sectors presented the two nurses' unions with very different organising situations.

NZNA was fortunate among New Zealand female dominated unions in that the bulk of its membership was employed on a few large hospital worksites and, until 1992, under one set of negotiations. Difficulties in the logistics of organising arose less from geographic fragmentation than from temporal fragmentation. Nursing is a 24 hour, 7 day, rostered shift industry with a high proportion of parttimers; it is only possible for organisers to meet a portion of the members on a worksite at any given time of the day or the week. This makes elected delegates important to effective organising; large worksites make it feasible.

When NZNA was seen as a professional association consulted on Determinations, rather than a 'real' union, its hospital based Advisory & Representational Committees received greater tolerance from managers than other hospital unions, but much less serious consideration. Attitudes to activities in work time hardened as NZNA began to operate more as a union, and, after constitutional changes in 1988, organised worksite committees and delegates. Generally speaking, however, organisers are free to walk onto public hospital sites and contact delegates or members. Access and worksite meetings are limited by difficulties in nurses leaving patients, but reasonable access to workers and to wages and hours records has been guaranteed by legislation and respected by public health managers.

In the late 1980s NZNA increased its organising staff from 5 to 12 in six regional offices, for the 21,500 members covered by the award. Although members were concentrated on very large worksites by New Zealand standards, this was a much lower ratio than for most unions. To be effective NZNA had to rely on active delegates.

*"I see my role as training delegates to be good delegates that get out to the membership because I actually can't get out to 1000 members. They can do it better than I can, they are on the job...They can pick and choose the right times."*  
(NZNA Organiser, April 1991)

An essential function of an effective delegate structure is to provide a rapid two-way flow of knowledge and of information. Officials recognised that NZNA's delegate structures were not yet organised in sufficient depth. Ideally, a well organised hospital would have a delegate and a deputy in each ward. Progress towards this ideal was limited by turnover, insufficient knowledge and experience, willingness to give time to union matters and confidence. Officials felt that the delegate system worked well to convey information to members, but less well in conveying the views of members back to NZNA staff. In the current rapid restructuring of health, inadequacies of communication and of members' knowledge of agreements and rights had at times limited NZNA's effectiveness in representing their members.

*"A lot of changes would be going on, but nurses weren't letting the organisers know until it was too late to do anything. They didn't realise that there was an agreement, that they could work through a process about changes...(or) they didn't understand the industrial implications."* (NZNA Organiser, June 1992)

Organisers involved delegates in meetings with management and introduce new convenors or delegates to management as the appropriate NZNA contact person. They tried to break down the view pushed by management that the union was paid officials interfering from outside, rather than that a union is made up of members and their representatives, supported by the officials whom they employ.

In private sector nursing, the range of employers and documents meant a much more complex task for NZNU organisers. NZNU's membership lacked the locational concentration which aided organisation for NZNA. Although a large minority of the membership was in rural areas and small towns, 54% of members were located above the Hamilton/Rotorua line. This reflected the market for private health care in the wealthier Northern urban centres, but also pressure on public health services due to funding formulas which ignored regional variation in population growth rates. However, under the private hospital award alone, there were 60 Auckland worksites to visit compared to 14 for the public sector. Of over 2000 worksites covered by NZNU only 116 employed more than 30 nurses. Only 20 employers had more than 100 nurses; 29 employed 50-100; 43 employed 25-30. Practice nurses worked in ones and twos alongside GPs and receptionists covered by the clerical unions; occupational health nurses were also in ones and twos. Plunket nurses work in small groups on scattered

sites, but were becoming well organised. This more difficult logistical situation was compounded by a higher proportion of parttime workers than for NZNA.

NZNU's membership was also more divided than NZNA's by level of qualification and type of nursing. The gulf to be crossed by solidarity among nurses and principles of unionism was much greater, making it difficult to come together industrially as a group with a common set of interests and concerns. The most isolated members, practice nurses and occupational health nurses, were among those with the highest qualifications, most professional orientation and generally lowest identification with unionism. NZNU's 884 practice nurses members were estimated to be only around 60% of all practice nurses, despite the compulsory union membership clause voted into the award. They were the group most likely to have dual membership with NZNA for professional reasons. NZNA's professional section for practice nurse had 400 members in 1990, although NZNA covered industrially only around a dozen, in Area Health Board clinics in areas too impoverished to attract GPs to establish private practices.

In 1990 NZNU had a national staff of 18, eight of whom were organisers. This gave a ratio of 1:1,250 members, which was considered a little low. Hospital sites and plunket were visited regularly, but for logistical reasons practice nurses could only be visited for specific problems, and had otherwise to be covered by written communication and occasional recruitment drives. Organisers' style, in both unions, was dictated by members' expectations and nursing's aspirations of status, rather than the more confrontation traditions of unionism. In approaching both members and employers:

*"I just knew, as a nurse of 20 odd years, what I had to do to get the membership. I had to look like a matron or capable of being a principal nurse or important, or it wasn't going to work."*  
(NZNU Organiser, Nov. 1990)

Under the Labour Relations Act, most private hospitals were cooperative about access to members at tea breaks or meetings by arrangement. There were a few hospitals, however, that NZNU organisers found very difficult, where every obstacle was put in the way of organisers and members although legal requirements were strictly adhered to. These were hospitals run by businessmen who employed Principal Nurses with strong management loyalty.

*"They sequestered me away in a little room and bring the nurses to me one by one. Only the ones who say, I would like to speak to the union. They make it very intimidating for the nurses, often have to walk past the Principal Nurse's office, so they stand out like a sore thumb."*

(NZNU Organiser, Jan. 1991)

In the view of officials, such behaviour was shortsighted.

*"We are often in there dealing with disputes, so in those places management is helping to foster union loyalty by the way they behave...There are other hospitals that are more skilled than that and play that paternalistic game, happy families...where we will have trouble in the new environment."*

(NZNU Organiser, Jan. 1991)

Delegates were elected in private hospitals and clinics, often a registered nurse and a nurse aide as these tend to have different problems. Two or more were preferred for reasons of support and vulnerability, as well as fuller coverage of shifts. Delegates are often seen as stirrers since it is they who raise issues with management, and the role may require careful handling.

*"I didn't want to be seen as the one, I said are you laying a complaint? In the end one of them had had enough, I said right, you lay a complaint with the Principal Nurse, she said go to your delegate, which is me. From then I actioned it, called a meeting, took a vote."*

(past NZNU Delegate, June 1991)

Yet delegates can assist good management, as NZNU organisers would point out to employers.

*"Where they have got a Pacific Islands delegate and employers are prepared to work with them, there are fewer problems than anywhere because their own people can explain it or say this is not right...Employers don't communicate, they just do things."*

(NZNU Organiser, April 1991)

The role of NZNU delegates was to welcome and recruit new members, disseminate information and feed back responses. They alerted organisers to workplace problems and, in the view of officials, an experienced delegate played a role that supplemented the work of the 'outside' organiser. At times they provided initial support to members in dealings with employers.

*"When nurses had problems I went and stood beside them, if I felt a warning was unjustified then I spoke up...The nurse has a right to know who has laid a complaint, when it occurred, so they have a right to address it."*

(NZNU Organiser, June 1991)

As with NZNA delegates, effectiveness was limited by turnover, experience and confidence in acting on behalf of others.

*"(One nurse) doesn't call herself a delegate, she is a contact. But she's a great delegate and I think she is almost there in terms of accepting the delegate title, she thinks that perhaps she could do it."*

(NZNU Organiser, Nov. 1990)

Often good delegates were nurses who became involved in a workplace issue through a sense of natural justice, rather than any initial commitment to unionism. One Maori nurse who later became an organiser had initially been quite reluctant to be a delegate.

*"I said, back off...I am only here because these girls feel threatened and I can help them in some small way, but I won't be falling over backwards for unions."*

(NZNA Organiser, June 1991)

The nurses unions' use of trade union education came much later and was less marked as a strategy than with the clerical unions. Both fully utilised their paid education leave entitlement and took up TUEA subsidies to employ union educators. NZNA had one fulltime educator based in Wellington to cover the whole country. Its union education was generally directed at delegates rather than the general membership. As a plateau was reached in demand for delegate training, programmes were developed to meet the needs of particular groups, such as enrolled nurses and charge nurses, and on current issues such as the Effectiveness Study process and the Employment Contracts Act. Seminars offered on assertiveness, public speaking and biculturalism had fewer participants. In setting a regional programme for the year delegates were asked to choose from a range of topics. The educator felt that delegates whose own needs had been met were not yet sending along ordinary members or finding out what kind of union education might interest them.

From October 1989 NZNU employed its own half-time educator who established a very full first year's programme of basic and advanced delegates courses. At the time of research, education programmes had not been in operation long enough to build a solid structure of knowledgeable delegates for NZNU's very mobile workforce. High turnover in Auckland meant additional delegates' seminars had to be included in the second year's programme. Well attended seminars were held on current issues, such as legislative and bargaining changes, and skills such as public speaking, assertiveness, communication

and meeting procedure. Planned health and safety seminars which covered stress had to take a back seat to delegates seminars.

*"Two seminars last year which had waiting lists were current issues and skills...unfortunately because it is the delegates ones which are the most important to the union."*  
(NZNU Staff Officer, Jan. 1990)

At first, attendance was by organisers 'shouldertapping' likely delegates. More self-selection became possible as the whole year's programme was advertised in NZNU News and through workplace posters, and information was solicited on what most interested members. NZNU's educator saw delegate training and other programmes as vital to supplement written communication to members, particularly those with lower educational levels or whose first language is not English. In December 1990 a successful seminar for Pacific Islands members was run by the TUEA Pacific Islands coordinator in Samoan, with NZNU input in English.

In late 1990, a 'study day' of NZNU officials debated whether to make the educator position full time, given the high demand, particularly in Auckland. It was decided against; the current level of education and organisers' contact with and support of delegates was thought sufficient. It was to be supplemented by production of a handbook for delegates and recruitment material. Recruitment and servicing the membership, rather than education, were seen as important in the new environment.

*"The decision was no, because education was not really seen to be a high priority or relevant."*  
(NZNU Staff Officer, Jan. 1991)

On her resignation in March 1991, the educator was not replaced because of the expected impact of the Employment Contracts Act on membership and impending amalgamation with NZNA.

Since nurses are a highly educated occupational workforce, improved written communication to members became an important strategy from the late 1980s. This was particularly the case in the larger, better resourced NZNA. Following constitutional change away from branch structures, ballot forms and the monthly journal began to be posted directly to individual members. Background papers and other material were circulated to workplaces and sections, with frequent calls for input from members into

hospital effectiveness studies and other professional and political matters. The formerly very dry journal Kai Tiaki<sup>6</sup> was transformed into an attractive and readable magazine, with news about what nurses are doing around the country, photographs and illustrations, regional organiser reports, analysis of political and restructuring changes, information on nurses' rights, and progress reports on negotiations. Although around half the content was feature articles on nursing practice, there was criticism from some members that the journal now over-emphasised the industrial to the neglect of the professional.

In 1982 NZNU began its own small newspaper, NZNU News, which by 1990 was a bi-monthly 8 page paper, with industrial and political news, tales of grievances, reports on court cases, and regular information on rates and rights, as well as what was happening within the union. This was supplemented by flyers on specific issues and newsletters targetting particular industrial groups.

With an eye to voluntary unionism NZNU officials began making strong efforts to seek members' views and input, often through information mail out and delegate phone in. An example of this was asking nurses to choose their preferred male comparators for the Pay Equity claims from a range of suitable occupations.

*"...so it becomes their claim, that they helped form and they are in behind it."*  
(NZNU Staff Officer, Nov. 1991)

Communication and reliable feedback was particularly vital for NZNU because of the fragmentation of the private nursing working force, and because of very low participation at branch meetings. However, written communication had its own problems of language and appropriateness with some sections of its membership, which NZNU attempted to address through use of Samoan, Tongan, sometimes Maori, and organising hui and fono where Maori and Pacific Islands members could get together.

*"We try to make all our publications in simple clear English, some we translate. Pay equity was all translated, parental leave - there is actually a lot available that has been translated....The problem is it's all written information (which) relies on organisers getting out and talking to people, because information doesn't get really understood through written media."*  
(NZNU Staff Officer, Jan. 1991)

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<sup>6</sup> Although union newspapers provided information for all the case studies, Kai Tiaki was a particularly rich source of detailed information and official views.



Health and safety issues presented an area of union involvement which officials felt could attract nurses who perceived unions generally as 'too confrontational'. There were a number of concerns in private sector health, and NZNU officials could represent members on these to employers and to government in ways which were positive for both patients and nurses.

*"So much of nurses' work is caring for others that in many hospitals employers do not perceive employee safety as equally important."*(NZNU Organiser, April 1991)

The occupational hazard of nursing work is back injury. Nurses may perform up to 50 lifts, transfers or turns in a shift. In Australia it is estimated that over 50% of nurses will suffer back injury. In New Zealand nurses rank fourth on the Accident Compensation Commission's occupational list for back injuries and have a vital interest in changes to accident compensation provisions. In 1989 787 registered nurses and a proportionately much higher 510 nurse aides claimed accident compensation. In geriatrics, lifting of patients is a major, exhausting aspect of the job, and considered to be one of the reasons why NZNU's members favour shorter shifts and parttime work and resist the suggestion of the 10 hour day. Nurse aides receive no formal training in lifting techniques but do the bulk of this work, often with too little help at inadequate staffing levels.

Both NZNA and NZNU officials lobbied government on Accident Compensation changes which were prejudicial to nurses, but were unable to prevent an increase to two week's standdown before wage compensation and the loss of lump sum payments. With employers' levies now based on actual accidents in their own worksite rather than industry-wide ratings, NZNA officials thought nurses' claims were more likely to be disputed by employers. False representation of past injury or illness may lead claims to be rejected, but such disclosure may affect employment chances. The nurses unions also lobbied for a Manual Handling Code of Practice for factories and commercial premises, supporting NZCTU's view that this should include the right to refuse work that puts an employee at risk of injury.

Currently, without a mandatory code...from a health and safety perspective nursing is not a profession to be considered as a career. (NZNU News June 1990)

An increasing problem for private sector nurses and nurse aides was aggression and violence as psycho-geriatric patients 'returning to the community' were finding their way

into private hospitals. NZNU officials were working with employer and senior citizens groups to develop training programmes to help staff handle such behaviour professionally and effectively.

In both public and private hospitals and accident and emergency services, AIDS has been a concern, as both a professional and a health and safety issue. NZNU officials worked with the AIDS Foundation to disseminate information and ensure adequate protocols for protection. In one private surgical hospital, medical staff had not thought it appropriate to inform nurses that a patient was HIV positive.

Following a resthome fire which killed seven residents, NZNU surveyed 93 private hospitals and attempted to raise inadequate fire safety arrangements in award discussions. Together with the Firefighters Union, NZNU lobbied for improved regulations in private hospitals and resthomes. The Health Department agreed to review the matter after completion of a code of practice for Old People's Homes.

*"It's a very slow process and private hospital owners are of course on the committees that are getting these regulations reviewed."*

(NZNU Organiser, Jan. 1991)

Nurses' more general concerns about night security were only treated seriously by private sector employers when NZNU took this up as a health and safety issue. However, these are all areas where the possibility of adverse publicity can move mountains.

The dual role that NZNA and NZNU played as professional associations as well as industrial unions was important in encouraging active involvement. NZNA met and developed its members' professional interests by providing special interest sections in its organisational structure. Any 10 nurses could take the initiative to form a section, which would operate locally, nationally or both. Most focused on a particular nursing specialism, e.g. oncology, nurse educators, but others were formed by particular grades or social groups to address their own concerns; e.g. enrolled nurses, Samoan nurses.

## Grievances and Disputes

As with clerical workers, one of the best means of ensuring nurses' support for their union was the successful sorting out of individual workplace and wage related problems. With its focus on professional concerns and centralised negotiating, this aspect of union work was badly neglected by NZNA officials before 1989 and given high priority in the independent NZNU. NZNU obtained \$250,000 in 1988 and over \$400,000 in 1989 for members in wage recoveries and compensation for unfair treatment.

*"As a union organiser the biggest thing I do is meet that immediate need of the individual nurse who has been sacked or something has happened in the workplace...If you are not there for that, if you are not available, you just lose the individuals."*  
(NZNU Organiser, Nov. 1990)

Although public service appointment and promotion review procedures were lost under the State Services Act, coming under the Labour Relations Act 1987 brought NZNA access to personal grievance procedures against unjustified dismissal, duress regarding union membership, discrimination, and sexual harassment. Access to personal grievance procedures, together with NZNA's new organisational structure, changed the way it could represent its members at work.

*"The personal grievance legislation I think really makes you front up to being a union, it is that basic sort of gripe stuff that people bring to you now, whereas before nothing even got done with it. Certainly couldn't have tackled issues like casualisation."*  
(NZNA Organiser, Nov. 1990)

Because grounds for personal grievance were spelled out in the Act, it was possible for NZNU officials to represent members - such as nurses in resthomes - who were not yet covered by an award. Having such procedures formalised in the Act and in awards enabled them to sort out workplace problems other than those listed as grounds for grievance, by ensuring that the union could protect members who raised issues or questioned practices.

*"You always get victimised if you complain, that's normal, isn't it?"*  
(NZNU Elected Officer, April 1991)

*"I think members are much more motivated to be members and to be supportive, whereas once, say, six years ago...workmates would think if we support her we are likely to get victimised too. But now because people know...something can be*

*done, they are actually willing to support their colleagues."*

(NZNU Organiser, June 1991)

In one hospital, nurses' concern about inadequate standards, not of nursing but of medical care, led to the suspension of their spokesperson and the forced resignation of their principal nurse, for whom NZNU officials took personal grievances cases. This was just three years after the National Women's Hospital enquiry into cervical cancer research raised questions about the role of nurses, as well as doctors, in the failure of peer review and medical ethics (Coney 1988).

On principle, NZNA officials 'regarded a personal grievance case as a failure'. Few of NZNA's grievances or disputes of rights went as far as the Court. Most wage and other problems were resolved by organisers, with industrial and legal advice from the national office, although varying grades, hours and penal rates make the pay system extremely complex. Errors were seldom in favour of the nurse. One principal nurse balanced her budget by placing all district nurses on the wrong grade. When this was challenged, she contested job descriptions in the negotiated and registered award and suggested that nurses work up to their proper grade through performance evaluation. During dispute on this, the Area Health Board restructured, fragmenting the problem and its resolution across areas of service unit responsibility.

An indication of the more difficult employment relations traditionally operating in the private sector may be seen in the fact that when a qualified lawyer was needed, NZNA used the services of an outside firm, whereas NZNU, much the smaller organisation, employed its own lawyer. However, one important and successful case taken by NZNA was against an employer who victimised nurses for joining the 1989 strike 'illegally'; they were covered by the award but joined NZNA only after strike notice had been given. This case had implications for the whole trade union movement.

In contrast, when NZNU took its lawyer on staff in 1989, there was already a backlog of cases. As with the clerical unions, success in legal matters helped establish a strong presence with employers. Four or five wage claims successfully taken would have the effect of upholding the award.

*"Once a decision is made in the Court you are a hell of a lot better off. Very rarely do we lose. The employers are finding that out."* (NZNU Staff Officer, Nov. 1990)

*"We have had a lot of dismissals and wage claims...Some of it is flow-on effect from the union not having a strong presence in the past, employers are used to getting away with things and so we are starting to establish a presence... industrially, legally and politically. We have had to do that a lot more than maybe we will in the future."* (NZNU Staff Officer, Nov. 1990)

However, NZNU officials drew on a range of tactics to settle disputes with private health employers.

*"We look around at different ways to settle a dispute...How can we use industrial stuff on site, a resolution or a delegate going to talk to the boss, or is it going to take an angry meeting...Is it going to take some sort of public embarrassment like a picket, or someone else from outside coming to talk to them, a legal person, or is it going to take a mediator or a court to do it."*

(NZNU Staff Officer, Nov. 1990)

As in NZNA, most individual problems were handled locally by organisers through discussion with the employer and the earlier stages of mediation, until the point where legal expertise is required. If the issue had implications for the whole membership or for future award interpretation, decisions about action were made more centrally. If the matter was taken further, the NZNU organiser usually followed the member's case through mediation and perhaps to the Labour Court where it came under the responsibility of the legal officer. But often all that was needed was the presence of a third party to facilitate communication and sort out differences.

*"All I did there was point out the value of nursing and the value of each individual... Most of the work that I do with practice nurses and GPs is counselling, literally group facilitation where I sit in the middle and go, 'When whathisname says that, how does that feel for you?'...And he goes, 'Oh really, I never thought of that.'"*

(NZNU Organiser, Nov. 1990)

Some problems arose from failure to meet professional standards expected by senior nurses or other managers, but both NZNA and NZNU officials were now likely to ask what management was providing in the way of personal help or inservice training to bring the criticised nurse up to scratch.

Pacific Islands nurse aides sometimes received particularly unfair treatment. NZNU officials might investigate a warning and find that the nurse aide was unclear why the

warning was given, what her unacceptable behaviour was, because of language problems.

*"They have got English adequate for the job and for fair communication, but if employers want to see them confused and looking silly, they can do it by using certain kinds of language. And they do."* (NZNU Staff Officer, Jan. 1991)

In cases of serious error - situations in which indemnity insurance becomes important - the unions represent the nurse before the Nursing Council and/or in a personal grievance against unfair discipline or dismissal. These may be referred to a higher level in the mediation procedure than with other occupations as a specialised knowledge of nursing and professional issues is often required. Employers, particularly GPs, have sometimes been dissatisfied with mediation outcomes and appealed. Sometimes it has been the nurses unions that take things further. There was concern among a few interviewees that cases may be pursued too far on the basis of being legally 'winnable', in ways that may be against the interests of nursing as a service profession. This view reflects the professional concerns that led nurses in the private sector to form their own occupational union rather than join an existing industrial one.

Generally, the personal grievance procedure under the Labour Relations Act was thought to be working well. There was, however, a 'catch 22' for unions in that the labour relations system until 1991 legally obliged them to represent members within their registered coverage. NZNA has twice - and NZNU once - been taken to court by members for failing to pursue a personal grievance far enough. The unions' positions were upheld but the cases were time-consuming. This particular difficulty does not arise for lawyers, or now for 'bargaining agents' under the Employment Contracts Act.

Asserting the parameters of nursing work is at the heart of nursing's professional project (Garmarnikov 1978; Witz 1990) and this continues to give rise to disputes, despite negotiated definitions of nursing positions laid down in awards. There has been considerable pressure from employers for 'flexibility', particularly in smaller private sector workplaces. Before the Private Hospitals award was achieved in 1975, qualified nurses were at times expected to turn an equally experienced hand to other forms of women's work; in one Nelson private hospital:

*"In summer the doctors would be on holiday...They expected theatre nurses to zap up the fruit trees and pick and bottle - and we used to do that because if we went home, we weren't paid."*  
(past NZNU Elected Officer, Nov. 1990)

The caring work of NZNU's nurse aides, at the bottom of the qualification and skill recognition hierarchy, was often expected to carry over into general domestic and cleaning work, intensifying their workload.

*"I have always felt that the poor old nurse aide is seen as the dirt nurse."*  
(NZNU Organiser, June 1991)

In 1987 a dispute arose when one private hospital asked its staff to sign an enterprise contract which would include up to 20% domestic work in their job. In such situations:

*"There are two arguments: one lot who say, well, they are my patients and I want them to have a decent breakfast, and the others are saying, you can't get them out of bed by yourself and we are rushing and pushing them. We haven't got enough time to look after the patients."*  
(NZNU Organiser, Nov. 1990)

Registered nurses, both in hospitals and working for GPs, also experience demarcation problems, since nurses often find it difficult to draw strict boundaries around caring for a patient. The nurses unions attempt to combat infringements, both through negotiation with the employer in the workplace and through legal protection of what constitutes nursing as a professional body of knowledge. An example is a dispute in 1989 which arose over nurses handling wet and soiled laundry from a sluicing machine. Most of the morning shift was suspended and nurses picketed the hospital. The Labour Court ruled that nurses should handle linen 'only to a point where the risk of contamination from that linen is beyond the need for nursing expertise' (NZNU News Aug.1990:3). From that point it was the work of domestics and subject to their award negotiated by Hotel & Hospital Workers officials. Work practices at that hospital were reorganised accordingly. However, on such matters, it was important for organisers to check, not assume, what members wanted. In one very small hospital nurses had negotiated their own arrangement: they did the laundry, but also brought in their own and did that too.

NZNA was involved in a similar dispute in 1992 when North Shore Hospital moved to save \$200,000 by making nine kitchen staff redundant and added their meal delivery work to nurses' workload. Nurses were willing to compromise on serving food to patients, but

not clear dishes, if they were assured of permanent backup coverage for emergencies. However, management refused this offer without costing it and the matter went to the Employment Court. While such disputes can be portrayed as examples of inflexibility and occupational demarcation aimed at protecting job rights, there are very real reasons of nursing standards and hygiene why nurses caring for the sick should not handle food, used dishes or soiled laundry. But in the present climate the real issue is savings on labour costs for employers and workload intensification for nurses.

### **The Industrial Democracy Protocol**

An important outcome of the 1989 public health sector strike, achieved with NZCTU help, was a Management of Change protocol added into awards, which gave public health unions a right to consultation on 'significant changes to the staffing structure or work practices affecting employees' and direct union involvement in effectiveness studies and staffing reviews. While NZNA officials have considerable grounds for ambivalence about the way the industrial democracy protocol has worked, it has been an important means of drawing nurses into union affairs, and the union into the immediate workplace concerns of its members.

The inspiration for this was brought back by unionists from Victoria, Australia where health workers gained a 4% wage increase which they themselves were to fund through savings identified by effectiveness studies (Wainwright 1990). No such precise trade was negotiated in New Zealand but clauses on Industrial Democracy, Management of Change and Staff Surplus<sup>7</sup> were added to NZNA's award. Union involvement was extended to job evaluations when unions referred the matter was referred to the Labour Court. An earlier voice of nursing expressed through the nurse manager hierarchy was all but gone, but another voice was being raised on restructuring issues through a formal participation process involving managers and unions.

*"What saddens me is that we have to legislate before people accept an idea that managers and the workforce could work together to mutual advantage. It seems*

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<sup>7</sup> This a mere four years after the Health Department's report Nurse Workforce Planning (1985) recognised growing labour shortages. The intervening factors were the Gibbs report (1986) and a growing fiscal deficit which led to reductions in state spending.



*to me a basic tenet of good management that no manager should impose decisions without asking the people who will be most affected."*

(NZNA Elected Officer, Nov. 1990)

There was considerable initial manoeuvring to establish what was meant by consultation, 'significant changes', and the connection between effectiveness studies and budget trimming. Terms of reference and time frames for each review or study do not always allow the work to be truly cooperative and effective. In 1989 in a leaflet to employees on the industrial democracy protocol, the Canterbury Health Board and management recognised it as 'an extremely useful mechanism for obtaining employee/union commitment regarding the necessity for change'.

As effectiveness studies progressed, however, Canterbury management seemed less approving:

*"Most management is opposed to them, see them as the union having too much input, take too long, too many people coming out from work."*

(NZNA Organiser, Jan. 1991)

The benefits to NZNA of involvement have been earlier and better information about management changes, despite some red herrings, media leaks and employees threatened into media silence. But involvement in reviews and effectiveness studies absorbed a great deal of union energy. Much of the effectiveness of its input depended on whether local delegates or organisers had the skills, resources and time to make the studies work (Wainwright 1990). Particularly crucial was negotiating the time scale, terms of reference and ensuring good nurse representatives before the work began. The South Island health unions attempted to seize the initiative by laying an already prepared methodology on the table:

*"For me process is important. I really believe that if you get off on the right foot with the right process you are more likely to get a better outcome - than if you wait to the end and try and oppose it."*

(NZNA Organiser, Oct. 1990)

NZNA officials had few illusions about the industrial democracy protocol as a strategy, since the union's role was defense: if it wasn't involved, outcomes would be still less in their interest. Organisers' views were divided, for example, on whether the study of Christchurch geriatric hospitals was a success because it saved 60 beds, or a failure

because it lost 50. Feelings about effectiveness studies were more positive than about reviews of staff positions, since positive input about the future or transfer of services was possible. Nurses were glad at least to point out resource and planning problems before the event, not afterwards.

*"We might not like everything that the Board proposes and we might not be able to turn it around, but we will certainly be able to modify it...It is a matter of us trying to have some voice."*  
(NZNA Organiser, Oct. 1990)

Nurses have hands-on knowledge of their service areas and effectiveness studies can be seen as using workers' knowledge to do management's planning. Often this participation came after, not before the key decisions which constructed the topic of study. A decision to close Christchurch Women's Hospital and the Chisholm ward at Hanmer Springs was made which preempted an effectiveness study group just convened, and the public health unions considered taking a dispute of rights case about this disregard of the Protocol. Similarly, the Canterbury Health Board mounted a major campaign in 1992 to consult the public about which - not whether - hospitals should be closed.

The term 'industrial democracy' for these processes is optimistic, perhaps deliberately so; 'worker participation' would be more accurate, since little management power was in fact shared (Deeks & Boxall 1989:330-31). Although committees had balanced representation and a democratic process, both their topic of study and their eventual recommendations were set in a context in which management prerogative prevailed. The reality was that neither effectiveness studies nor staff reviews got beyond management's cost cutting agenda and government's priority framework which defined the welfare state as 'unaffordable'.

*"I don't think it would happen in any other job, where you would be told your job is not needed any more at \$35,000 but you can do the same work at \$30,000. We will have a review which will prove it...Some people accept it to protect and save their jobs."*  
(NZNA Organiser, Nov. 1990)

### **Arbitration or Industrial Action?**

In 1985 public health sector nurses gave notice of strike action for the first time in New Zealand's history. Historically, industrial action has not been a strategy for nurses firstly, because of moral constraints on leaving dependent patients; secondly, because it was

regarded as inconsistent with nursing professionalism; and thirdly, because the negotiations and employment security of state employees have been premised on notions of loyalty and service which precluded strike action. Such thinking was behind NZNA's long reluctance to register a union for nurses in the private sector, although conciliation and arbitration provided an alternative to industrial action.

The history of NZNU's awards related above shows its reliance on the Arbitration Court which provided a state guarantee of labour rights. The long struggle to achieve an award for practice nurses shows that institutional supports to union negotiation were just as important to this scattered occupational group in the 1970s and 1980s as they were to clerical workers in the 1930s, but they still did not make achievement of an award automatic.

Arbitration was also used successfully to bring private sector nurses rough parity of wages and conditions with nurses in the public sector; that is, across the whole labour market for nursing. There has been a general belief in New Zealand that the public sector has ridden on the labour relations coattails of the private sector, but NZNU's awards and examples from my third case study show that the reverse has often been true for low paid occupations.

Like the clerical unions, NZNU made good use of the arbitration system in disputes of rights under its awards, as well as in disputes of interest in negotiating. As private enterprise expanded in health, there was strong resistance to union organising and workplace representation. NZNU officials had to rely heavily on the assertion of legal rights to represent workers and the right to take employers to arbitration for a settlement. However, the right to arbitration on disputes of interest was removed by legislative changes in 1984 and 1987. The State Sector Act 1988 removed recognition of 'fair relativity' between private and public sector, but allowed the possibility of an all-or-nothing 'final offer' arbitration clause in public sector awards, rather than the specific rights to strike contained in the Labour Relations Act (Roper 1988). However, NZNA did not take up this option. The State Sector Act obliged NZNA to register as a union under the Labour Relations Act, and officials recognised that past professionalisation strategies

would no longer be sufficient to protect members' wages and conditions in the restructured state.

Without arbitration, both public and private sector nurses were obliged to use more militant tactics to back negotiations. In 1988 NZNU nurses staged a hospital sit-in to gain a redundancy agreement. In 1989, a vote by NZNU nurses for a 24 hour national strike was sufficient to settle their award. Small disputes and actions increased in the private sector, but it was not until 1990 that private sector nurses actually went on strike to settle the private hospitals award. Interestingly, it was the more professionally oriented public sector nurses who in 1989 first demonstrated their willingness to back their bargaining position by leaving the patients.

The traditional constraint on nurses taking industrial action is a moral one. The values underlying nursing, and which often attracted the nurse to her profession, are values of service and caring. When a nurse withdraws her labour of caring for sick people to protect or further her own economic interests, the most direct affect appears to be on the patient, not a private hospital owner or an employer remotely placed at the top of an Area Health Board hierarchy. Public opinion, directed by a capitalist media, finds it easier to focus on the 'innocent victims' of union action than on the actions of employers, which are little reported. What kind of woman, says the ideology of femininity, would desert a sick person for her own selfish ends? And what union would rashly cash in the halo around nursing?

Nurses are often politically conservative, and their self-identity as professionals, not as workers, had limited their industrial effectiveness in the past. But the moral constraints on striking and the possible consequences of withdrawn care are real concerns for nurses that harbour workers and factory hands need not consider. The decision to withdraw labour from emergency and critical care units remains a difficult one which both nurses' unions allow nurses to take on an individual, rather than majority basis.

On the other hand, unlike most women workers, nurses are extremely well placed strategically: nursing services are so essential to the health 'industry' that even a one day

strike can be effective. Since the ultimate employer in public health services is the government, the cessation of services has political implications. In any confrontation, nurses, as archetypal 'goodwomen', attract a public sympathy that is unusual for strikers. They receive more sympathetic media coverage than other unions, and have developed considerable skill in this area. Officials consciously draw on the 'ministering angel' image of nurses which fits with the traditional role expected of the 'good woman'.

*"If nurses go on strike they have full support from the public, or 95%. Just by the term 'nurses' they come over as squeaky clean, and that does help."*

(NZNU Staff Officer, Jan. 1991)

In private sector health, media coverage, showing employers in a bad light relative to caring nurses and vulnerable patients, can have a lingering bad effect on business.

*"We use the media quite often to resolve a dispute because they really run for cover...A private health system has got to be seen as efficient and able to deliver and any bad publicity is quite disastrous for them."*

(NZNU Staff Officer, Nov. 1990)

However, in the competitive private health market, there may be reasons for limiting use of this particular weapon, as in a dispute with one private Accident and & Emergency clinic:

*"If we wanted to use the publicity machine, we know he would go out of business because people would say that's terrible, but if we do that we would also put 12 nurses out of employment."*

(NZNU Organiser, Jan. 1991)

Putting the patient first constrains not only strike action but other forms of union activity. Like other women with family and community commitments, nurses find little time for union activities outside work time, but hesitate to come to paid union stopwork meetings during work hours or take Paid Education Leave because of their duty to their patients. In private hospitals:

*"You can't say, when can we have a two hour stopwork meeting that is most disruptive, because they won't come. They will come when they think the patients are all right...(or) they'll work an extra two hours at the end, it doesn't matter what you say to them, because they can't fit the work in."*

(NZNU Organiser, Nov. 1990)

These factors must all be considered by officials in any industrial campaign to mobilise the nurse membership, and enlist public and political support. Of typically female

occupations, only teachers, the other main profession for women, are in a similar position. Yet despite moral constraints, nurses' unions have a potential industrial strength that most female dominated unions lack.

Public sector nurses first demonstrated that strength in 1985. After the wage freeze NZNA presented a well-researched claim that nursing wages had not kept up with inflation and rates in other occupations, and that serious staffing shortages (Dept Health 1985) were linked to low wages. The response was a nil offer and procrastination on further talks. Political pressure was added by a well supported 'NursesAre Worth More' campaign and street marches. But success was only achieved when, for the first time, New Zealand nurses gave 14 days' notice of a one day strike. This achieved settlement at 13.5% above the state services Annual General Adjustment, 19% in all. This was some degree of wage equity for nurses, but at a large cost increase for the government as employer.

In 1988 NZNA joined other public service unions in demonstrating against the State Services Bill, though the notified strike was called off by the NZCTU as concessions were made. The demonstrations did not prevent the Act being passed, but did lead to considerable amendment of it.

In 1989 it was just the public health unions who struck, united in response to a nil award offer with clawbacks, following the decimation of staff and closing of hospitals and services. This was the first wage round with separate awards for each state department which excluded senior staff, and employers may have perceived the unions as being in a weak position (Wainwright 1990). But the health unions had begun working together as part of the Combined Health Employees Committee (CHEC), organised together with community groups to raise public awareness of the threat to public health funding, and coordinated their award negotiations under the auspices of the NZCTU. NZNA's own strike policy was 'friendly demonstration', but nurses should 'do what they felt comfortable with'. 'Continual Visual Presence'<sup>8</sup> lines rather than not-to-be-crossed pickets were recommended, though some delivery vehicles turned back anyway. Enthusiastic local

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<sup>8</sup> In nursing practice, a CVP line usually goes into the arm.

action was organised by nurses, as was skeleton staffing and emergency service coverage. The industrial action resulted in some gains: a 2% wage rise and the Management of Change Protocol.

Ensuring public opinion remained on the side of nurses and ensuring nurses themselves supported the strike meant a strategy of maintaining emergency and essential services, through the use of volunteers, of non-striking nurses or by not allowing some nurses to strike. This was the basis on which the strike ballot was taken. In the 1985 strike NZNA officials had told nurses that the strike vote applied to everybody covered by the award and those who were unwilling should apply for an exemption. In 1988, in a more astute strategy, they told them that only NZNA members were allowed to strike<sup>9</sup> - and gained 2000 members.

The 24 hour strike in 1989 was the first time a notified strike by state sector nurses went ahead. Some nurses remained against striking and provided skeleton staffs. However, NZNA received criticism from others for holding back essential service units that had voted to go out, and for not gaining more before withdrawing notice of a second one-day strike. Nurses' attitudes to industrial action were changing.

*"There are still a lot of nurses who probably won't strike, but there is a growing pool of people who will...They don't fear it any more, they'll threaten it....Now when they get angry that's what they see as a solution. It's not too good all the time, you still need to negotiate...I said, it's illegal, don't worry about that but give notice, you might get what you want by giving notice rather than walking off, you don't need to lose your pay yet."*  
(NZNA Organiser, Oct. 1990)

The view of NZNA officials is that you use the strength that is appropriate to the task. For a one-day strike, a first day of striking, it would not be appropriate to take out all services. Some nurses will always remain opposed to striking under any circumstances and alienation of these members is reduced if they are used in skeleton staffing. However, it is unlikely that NZNA would allow a strike to continue for six weeks, as in the 1985 nurses' strike in Victoria, before withdrawing Accident & Emergency, Critical Care and theatre staff.

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<sup>9</sup> This was a point of legal doubt under the 1987 Labour Relations Act, which was clarified after the 1989 strike in a court case referred to earlier.

NZNU's turn for national industrial action came in 1990 when award talks broke down over attempts to change the definition of charge nurse. Officials considered that making a wage increase to all nurses dependent on a clawback for one group was an attempt by employers to divide nurses. However, industrial action was supported by nurses at all levels, partly because penal rate payments for unsociable hours were also targeted. The 24 hour strike in February 1990 involved both NZNU members and H&HW domestic workers, who were having similar difficulties with the same employer negotiators. Over 90% of private hospital nurses stopped work, demonstrated and marched.

*"It was almost a 95% strike, I think even as union officials we were stunned at the support it had..they just walked out en masse."* (NZNU Organiser, Feb. 1991)

When talks again broke down, a further vote for a 48 hour strike endorsed by over 80% of nurses was sufficient to ensure settlement. Talks had broken down repeatedly despite conciliation procedures and employers had refused NZNU suggestions of voluntary arbitration.

*"If you have made your best effort and you've been polite and nice and nothing's worked, then they will be behind you all the way. You can go in then and wave the red flag and stomp and swear and they will be right behind you...The other thing is, if they get angry...their sense of justice. It's part of that whole moral thing, when that's outraged, then you have got them, and you've got them for life really."*  
(NZNU Organiser, Nov. 1990)

Because of nurses' strong feelings about leaving patients, the vote was managed in an unusual way which ensured maximum turnout if the strike went ahead. Six hospitals willing to accept NZNU's award claim were exempted from industrial action, but most employers did not break ranks. Nurses on each worksite voted separately on whether or not that hospital would join the strike, i.e. they would not be obliged to strike on the majority vote of all hospitals, but only on their own decision. Support was overwhelming. When talks broke down again, a second vote was taken for the 48 hour strike. The vote for the first strike was not assumed to be sufficient mandate to call another.

*"It's all very well to say we'd go on strike but unless the nurses had seen us to be consulting and coming back to them and saying 'This is what has happened at the talks now', none of them would have gone on strike...The vote was closer because then it was real."*  
(NZNU Organiser, Nov. 1990)



NZNU rules about the functions and power of branches maintain centralised control over any action or negotiating around local disputes. In practice, regional field officers responsible for a site exercise considerable autonomy in day-to-day matters. Like clerical union officials, NZNU organisers identify regional variation in the best way to approach or organise members; what is acceptable in one area may not be in another. Often it is delegates who have the best feel for their own people, as was demonstrated by one Otago NZNU delegate during this strike.

*"She asked everybody to sign a letter to go on strike...The day of the strike if anyone attempted to come into the workplace, she pulled out their letter...and they all accepted that and thought, oh well, I did sign it. Luckily I only heard about that one two days later, it could be seen as undue duress. But no one got upset by it."*  
(NZNU Organiser, Nov. 1990)

In mobilising nurses for industrial action, an NZNU organiser talked in feminist terms of empowering women to make their own decisions, rather than pressuring them into action they were not sure about.

*"As far as I am concerned 'union principles' is what the members want to do and how they want to do it. Sometimes as an organiser you don't agree, but if it goes wrong, part of empowerment is for them to learn and view it differently next time."*  
(NZNU Organiser, Nov. 1990)

In April 1991 nurses joined national demonstrations against the Employment Contracts Act organised by the NZCTU, but there were differences of opinion about a call by some unions for a 24 hour general strike. NZNA and memberships of other public health sector unions voted in favour. The issue was linked in with early renewal of their awards before the Bill was passed. The Labour Court granted the Auckland and Otago Area Health Boards an interim injunctions against this strike action, not because it was incorrect or illegal but because employers maintained they could not guarantee public safety. It was clear that other Area Health Boards would also seek injunctions, so strike notices were withdrawn. Action on 29 April was reduced to protests and rallies organised as 3 hour stopwork meetings, which were the unions' entitlement under the 1987 Act and their awards. On 30 April NZNA and other public health sector unions accepted a nil wage rise settlement to 'rollover' their awards for a further year despite the Employment Contracts Act. The nil wage increase had been announced by the National government as policy for the whole state sector for the 1991 round.

NZNU officials voted against a 24 hour general strike at a meeting of NZCTU affiliates. The proposal did not allow them time to consult members or to give 14 days' notice as an essential industry. To be legal under the Labour Relations Act, industrial action had to be within 60 days of an award's renewal date.

*"It would have been illegal. If we had had time to go round and have meetings and give notice, the executive would have recommended that we participate."*

(NZNU Elected Officer, May 1992)

The strong service ideals of women who choose nursing, reinforced by nursing education, mean the decision to strike is not easy. Despite members' support for the strike, the clear necessity and its effectiveness, the strike action was in itself not felt as a success, because nurses still felt that they had abandoned the patients.

*"Nurses are ridden with guilt. And of course employers know that and will use that against them all the time."*

(NZNU Organiser, Nov. 1990)

## **Feminism and Nursing Strategies**

Both NZNA and NZNU were unions headed by women, but this was not something achieved as part of second wave feminism, as with the clerical workers unions. NZNA had always been an organisation with women in the positions of power. In 1908 international recognition as a nursing professional organisation required that it be run for nurses by nurses and, given the extreme female domination of the occupations, this effectively meant by women. At the time of study both unions had elected women secretaries - the position of greatest practical power - and women presidents. NZNU had one male staff member and all its branch presidents and secretaries were women. There were changes during the study in NZNA's elected positions and staff: the previously all-woman executive gained two men; the three men on the Socio-Economic Committee were reduced to one; and three men on a staff of over 30 rose to six by 1992. This minority of males overrepresents the tiny proportion in the nursing workforce, but nevertheless:

*"One of the joys...it is basically women running the organisation. The males are very few and far between, and most have a specialness about them just by virtue of having chosen a non-traditional career."*

(NZNA Organiser, Jan. 1991)

Over its history, NZNA frequently spoke out on the women's issues of the day and worked together with other women's organisations, particularly on women's health issues. This orientation was strongest in its first three decades and in recent years, with a more introspective focus on the development of nursing itself during the 1950s, 1960s and 1970s. Early concerns included name suppression for women charged with infanticide or concealment of births; venereal disease and a call for women doctors and nurses at clinics; and demanding a government inquiry into abortion in the 1930s. The National Council of Women was a longstanding and powerful ally of NZNA in improving the status of women within the community and within the health service (Kinross 1984), and NZNA remained an affiliate.

The organisational upheaval of the 1980s in NZNA was not about gender, as in the clerical and several other unions for female dominated occupations, but rather about class and making NZNA relevant to ordinary nurses. However, with the fresh generation of activists and leaders came a new feminist analysis of nursing. Women in the highest elected positions of both NZNA and NZNU identified themselves as feminists. Organisers and other staff interviewed expressed a strong feminism, for example, in their analysis of public health sector restructuring as not only an attack on the profession of nursing but as detrimental to women as workers:

*"Whether they are doctors or whether they are these managers from outside, from the private sector, they are still male managers dealing with a largely female workforce."*  
(NZNA Staff Officer, March 1990)

This feminism cannot necessarily be extrapolated to the membership or even all those actively involved in NZNA, who are described by interviewees as 'a mixture' of feminists and non-feminists. However, a feminist analysis is more likely among New Zealand nurses than the socialist one common among active unionists in other occupations, particularly male dominated ones. Marxist concepts of class relations, in any case, remain undeveloped with regard to service work or state employment. Although industrial relations is now taught in polytechnics and both nurses unions now provide union education, nursing education has traditionally provided little analysis of employment relations. Given the development of feminist thought among New Zealand women in general, nurses are more likely to draw on feminist concepts for an understanding of relations in

hospital hierarchies, since nursing professional autonomy has clearly been a statement of assertion within the marked gender division of labour in health care. In the mid 1980s, for example, a Feminist Nurses group formed in Auckland.

My perception of NZNA as a organisation, rather than of particular individuals, was that its stance was liberal feminist, rather than radical or socialist feminist, and that it was careful to value its more traditional members. Both the feminists and the more traditional were, however, well united behind a view of NZNA as a pro-nurse, pro-women organisation. The most traditional of members had a strong identification with nursing as very much a women's profession. They supported policies that valued women and considered the realities of women's working lives.

Among NZNU officials and in its public stance, feminist principles and feminist issues were more overtly espoused. NZNU's secretary had a policy of hiring 'brains and a commitment to women'.

*"Nursing issues are women's issues... that is very clear to us, that's the basic fundamental philosophical understanding we have."*

(NZNU Elected Officer, Nov. 1990)

Early in NZNU's independence this secretary published a strongly feminist article on NZNU in a nursing journal, containing a radical analysis of the medical division of labour in which nurses have internalised attitudes of subordination:

Since nursing..is a traditionally female occupation, it is necessary...to understand the oppression of women to gain insight into some of the most persistent problems in nursing.

(Breen 1988:17)

NZNU recognised the lack of solidarity and often harsh treatment by management nurses of nurses lower in the hierarchy as oppressed group behaviour and horizontally displaced hostility.

*"If you look at them, socially and industrially there is always somebody who controls them, who has got more power than nurses, which is the doctors."*

(NZNU Organiser, Nov. 1990)

*"Still nurses are very hard on each other. Punitive.... collectively we are still very judgemental and we don't like to see somebody who stands out really."*

(NZNU Elected Officer, Nov. 1990)

The strategy which NZNU derived from this analysis was to empower nurses by improving their self-worth. This was particularly important for those at the bottom of the hospital hierarchy. Despite pride in being a nurse, nurses often do not value themselves and their own work highly.

*"They receive messages from everybody that what they are doing is not much cop. But they need ten positive messages to counteract one negative. Probably we are all like that...."*  
(NZNU Organiser, Nov. 1990)

*"As a union we think the way we can do that is to improve nurses' self esteem, things like pay equity and saying how we are worth it...Unless we do something about how nurses feel about each other, the union wouldn't be successful."*  
(NZNU Staff Officer, Nov. 1990)

At a more collective level, empowerment meant communication, feedback and trying to involve members in the work and decision making of the organisation. NZNA's structure of workplace organisation and professional sections provided a variety of bases for this. With NZNU it was more difficult because of structural problems, both of membership location and present union organisation, besides the 'double burden' of paid work and family and community responsibilities carried by most nurses. The progress made in its first three years has been considerable, perhaps because so little effective organisation was there in the past.

*"That was one of the lovely things about starting work with a union that didn't have any traditions...held on to from 50 years ago, a matter of being able to go out there and help people create policy."*  
(NZNU Organiser, Feb. 1991)

The question arises as to whether NZNU officials were too far ahead of the membership in their radical feminist thinking; for example, in taking a position on issues like pornography that might be thought peripheral to the business of a union. The view of an elected officer was:

*"Of course, or ahead of the majority of members. But that's going to be so on anything...all sorts of things women put up with and don't necessarily think about whether it is right or whether they should have to...I think that submissions (on issues like pornography) have been considered by the members as well put...A number of points other people hadn't thought of, most of us thought, 'Good on you'."*  
(NZNU Elected Officer, April 1991)

In expressing a view on issues for women which go beyond immediate concerns of employment relations, professional issues or health, NZNU officials recognised that, in nursing, women's gender role structured both the job and the problems of the job.

Like the clerical workers unions, nurses drew on the campaign style tactics of Women's Liberation. For nurses in the public health sector, such tactics were effective in backing wage round negotiations in 1985 - unlike the clerical unions' similar tactics to settle their 1989 award negotiations. The difference was that just one employer was involved, and that employer was the state and amenable to public political pressure. A large and successful 'Nurses are Worth More' campaign was mounted. Local branch members devised their own tactics to publicise the issues, attract media attention and bring the pressure of public opinion to bear on government decisions makers: petitions to MPs, 'Nurses are Worth More' t-shirts, badges and car stickers, as well as street marches and rallies. NZNA still had a small slush fund from the \$54,000 worth of badges, stickers and other campaign material sold at that time.

'Nurses are Worth More' was a slogan that nurses identified with and got behind in 1985. It combined nurses' public image and own self-image of service with the distasteful matter of money in an acceptable way. It was a view that stayed with nurses as they joined other female dominated unions and women's community groups in the high profile campaign for legislation on employment equity, using similar tactics to the 1985 campaign.

### **Feminist Judo**

NZNA had over 80 years' experience in using the power of the state to further its interests. This was the core of its professionalisation strategy, although the judo of professionalisation was feminist only in that, in the case of nursing, it raised the status of an occupation into which women have been segregated. The weight of the state could be doubly to nurses' benefit on issues where the state's role as provider of quality public health services coincided with its role as legitimator and regulator of professions. Past

examples are the transfer of nursing education to polytechnics and the gradual shift to a fully qualified nursing workforce discussed earlier.

NZNA as an organisation and its nurses as employees and consumers were philosophically committed to a high quality public health service and materially interested in its continuation. Since public health care, professional interests, and members' employment all fall well within the state system, NZNA officials had no hesitation in taking a strong political role by lobbying government on anything and everything that concerned it.

*"If we don't try to demonstrate the place of nurses in the scheme of things, nobody else will."*  
(NZNA Elected Officer, Nov. 1990)

NZNA officials were actively lobbying to alter government health policies and consequent management strategies which meant that underfunding was leading to understaffing. 'Nurses continuing to cope with intensified workloads and stressful conditions in a spirit of service and dedication only perpetuates in the minds of managers and government the idea that staffing levels are not inadequate' (Kai Tiaki March 1990:2). Under 'hands off' government, NZNA's historic close relationship with the Health Department had gone, and the Department itself had been reduced in size and role. This made all the more important NZNA's efforts to become a policy maker through a strong and public lobby to government on health matters. Officials and membership groups lobbied on broad changes such as the Gibbs report and National's Taskforce as well as more specific matters such as cervical screening programmes, and smoking in public places. As part of in CHEC, NZNA worked with community groups such as the Canterbury Health Coalition and Wairarapa Health Action to prevent hospital closures.

NZNU also took an active interest in influencing policy or legislation to benefit women, particularly with regard to work, but also in other aspects of their lives, such as pornography and the Marital Properties Act. Officials attempted to coordinate their political strategy with other groups within nursing, with whom there had at times been tensions. Following the Nursing Amendment Act NZNA officials met with midwives on aspects of further proposed changes to the Nursing Act. NZNA's National Action Group met with Te Kaunihera o Nga Neehi Maori o Aotearoa with a view to lobbying authorities on bicultural development of nursing within the health services.

NZNA was involved in, rather than a leader of, recent campaigns on women's issues. It was not heavily involved in the campaign for sexual harassment in the mid-1880s, but sexual harassment clauses were incorporated into NZNA's awards and are held as important by officials. Since separation from NZNA, NZNU has taken a strong official line on sexual harassment, even in one incident occurring between two of its own members; a situation in which some unions, including NZNA, see difficulties in acting.

*"I think union officials should take a strong stand...where the evidence is that the person has offended, I think you have to be quite firm that you don't act for them."*  
(NZNU Organiser, Feb. 1991)

Changes in NZNA's structure, including the splitting off of NZNU, were part of the changes that New Zealand women have been making in their lives and in society as a whole, and may allow a stronger feminist direction for the organisation in future.

*"It will be interesting to see with the next women's issue, whether they are there pushing it. I think they still focus a lot more on health than women's issues. The changes that have occurred in the last few years might mean something different in the future."*  
(NZNA Organiser, May 1991)

NZNA's involvement in lobbying for legislation on pay equity for women goes back to the equal pay campaign, when it was represented on the Council for Equal Pay & Opportunity. In 1960 NZNA made a submission to the Equal Pay Implementation Committee, but male and female rates for nurses were only abolished by a government committee in 1965. At this time male nurses earned about \$200 a year more than women, and a married rate for male students continued a few years more (Carey 1984:44). By the time of the campaign for equal pay for work of equal value, 60% of NZNA's membership still earned base rates below the male average wage, and in wage rounds under the Labour Relations Act rates were slipping relative to male trades.

Following separation, NZNU became one of the unions most heavily involved in the campaign for legislation on employment equity. In both nurses' organisations the issue was promoted by officials and strongly supported by nurses. Members were kept informed of developments and encouraged to participate in petitions, letter writing, marches and rallies.



*"Nurses have really taken on the Pay Equity cause - partly because they love the comparison with policemen, though it isn't actually a terribly good comparison."*  
(NZNU Staff Officer, Nov. 1990)

As a women's occupation, nursing is often considered a middle class and relatively well paid job - for women.

*"My friends who are male nurses talk about how poorly paid they are compared to their friends, whereas most people would think nurses are quite well paid, all things considered."*  
(NZNU Elected Officer, April 1991)

The nurses' unions considered that members were underpaid for their work and skills compared to comparable male occupations. As a strongly gendered occupation, nursing utilises skills and values considered appropriate and natural to women, and readily available. Caring work by nurse aides is low paid as unskilled labour. Pay equity assessments using accepted management techniques would measure the skill, effort and responsibility of nursing, revaluing not only acknowledged skills but also aspects of the work - caring and human relations - which are socially invisible yet are the reason nursing is considered a suitable occupation for women.

Skills involved in nursing are not only undervalued in the market and underpaid by employers, they are often undervalued by nurses themselves. The organisational skills used by a nurse in charge of a ward of 40 constantly changing patients, changing care requirements and a rotating staff, 24 hours and seven days a week, are not recognised as management skills. NZNU officials saw not only low pay, but many workplace problems and the difficulties of building union strength among nurses as arising out of traditional female socialisation and essentially low esteem.

*"Nurses don't value (their own) management skills...They think if they can do it, anybody can do it."*  
(NZNA Organiser, Nov. 1990)

*"We are saying it's because they are nurses, but a lot of it is because they are women."*  
(NZNU Organiser, Nov. 1990)

The legislation that resulted from the campaign in 1990 was compromised and cumbersome, and it was clear that it would not survive the imminent change of government. But NZNU filed pay equity claims as soon as the Employment Equity

Commission opened, along with the Clerical Workers, Distribution Workers and Service Workers unions and the PSA.

*"Putting those claims in will hopefully bring the issue alive for more nurses, not just some academic exercise."*  
(NZNU Staff Officer, Nov. 1990)

NZNA did not rush to make a claim. This was not from lack of enthusiasm but because of the multi-layered nature of its nursing award. It was important politically that the first claims be successful. The most suitable cases compared precisely definable groups whose skills, functions and actual paid rates could be clearly established. Nursing covers a wide range of skills, responsibilities, specialisms, qualifications, working conditions, but any definition which included all the skills, effort and responsibilities would extend far beyond the range of any individual nurse. NZNA's claim would need to be divided into small distinct groups, but processed as one claim, so as not to fragment the award and possibly divide nurses against themselves. A claim for the whole award would take a long time to prepare and process.

Any claim we make for nurses has to be able to stand up to intensive scrutiny because when we ask for a pay equity assessment, our case has to be a good one, as we won't get a second change. (Kai Tiaki Sept. 1990:16)

*"So our decision was we would wait, be involved in the campaign but not rush in with a claim immediately, because we wouldn't want to botch it up for us or make the first claims unsuccessful for others."*  
(NZNA Staff Officer, March 1991)

Politically, too, it was useful for claims from private sector occupations to lead the way, to show that the economy could survive without underpaying women. The state as liberal mediator on behalf of voting women was already showing some signs of anxiety about the consequences of pay justice for the state as employer of a large female workforce.

From its diverse membership, NZNU filed two claims. The first was for practice nurses, its second largest but most weakly unionised membership group, comparing them to uniformed branch police and environmental health officers. This was followed by a claim for its lowest paid group, nurse aides, as part of NZNU's ongoing effort to highlight the value of the caring work and unrecognised skills of unqualified staff. An initial list of comparators was submitted including ambulance drivers.

*"Feedback so far is that all of the (private hospital) nurses are behind the claim, they can see that if you raise nurse aides they can...use it to raise their own rate."*  
(NZNU Organiser, Nov. 1990)

*"Some (nurse aides) have been in long term care places for five, six, seven years and they have a tremendous amount of skill that isn't acknowledged."*  
(NZNU Organiser, June 1991)

NZNU officials involved their members in the work of the claims made for them. A short list of suitable male comparators was submitted to practice nurses to indicate their choice.

*"Some of them nurses wouldn't identify with...They were quite clear that they didn't want to be compared to those, it's that blue collar/white collar business."*  
(NZNU Elected Officer, Nov. 1990)

Uniform branch police were picked because they had a national employer, a set national pay rate, 24 hour, 7 day shifts, statutory responsibilities, interaction with people, interpreted and assessed situations, saving and maintaining life, etc. In contrast to registered nurses' three years training, police were paid full salary, not a student grant, during a mere six months of training, yet a constable's base pay exceeded a senior staff nurse's. Environmental health officers were also in the health industry, earning \$4,000-\$8,000 a year more than staff nurses and had only recently established a three year Polytechnic training course.

*"Nurses identified with (police), partly because we had been using the comparison for ages, but also because they themselves see the stereotypes (that) you are steered towards as a little girl or boy."*  
(NZNU Elected Officer, Nov. 1990)

Pay equity was for NZNU a strategy in relation to the state, seeking legislative intervention in its negotiating relationship with private sector employers, as equity assessments would be incorporated into award talks. However, NZNU officials also saw pay equity as very much a strategy with regard to members. Like the clerical unions, NZNU officials saw benefits in a high media profile on health and women's issues for credibility with a scattered workforce.

*"NZNU sees this as an opportunity to increase awareness even if (the Act) goes...It is no accident that we were first in there with the claim because we've been working towards that whole awareness thing the whole time we have been here."*  
(NZNU Organiser, Nov. 1990)

A pay equity assessment by a state agency would give independent verification of nurses' worth. From that point nurses' sense of justice would mobilise them behind getting the pay equity claims accepted by employers in the next award round. Recognition of nurses through pay equity would help self confidence in dealing with other workplace problems.

*"The key is to get an official report from an outside body...We are not being unreasonable...This report says your job is clearly undervalued, the employer is not valuing the important role you play, do you support us putting in an award claim for it? Then you mobilise, get them involved and active."*

(NZNU Staff Officer, Nov. 1990)

Even with the repeal of the Act, and lack of action on a National alternative, NZNU officials felt progress had been made in both political and consciousness raising terms. The opportunity for pay equity legislation was gone but certainly not forgotten by nurses. Pay equity and claims had been a political reality, however briefly, and nurses knew they were worth more.

*"Something they have wanted for years and they can see it coming just into their grasp only to see it snatched away, so that has been quite a good rallying point."*

(NZNU Organiser, Jan. 1991)

## Identity Politics

Women in nursing work have a strong primary identity as 'nurses', identifying nursing as a 'profession' and nurses as women, within a gendered division of labour in health care (Salvage 1985; Mackay 1989:132-157; Witz 1990; Bessant 1992). This originally developed as part of past strategies of both NZNA and overseas organisations to build recognition of nursing as a high status profession, able to command autonomy over its practice and appropriate remuneration and conditions. Interviews with Auckland nursing tutors confirmed that professional ideology taught in New Zealand reinforces this identity, as well as critiquing it from a feminist perspective. This identity as nurse is based in the strongly gendered nature of an occupation which utilises virtues designated feminine. From the viewpoint of industrial organising:

*"That is both nursing's strength and its weakness."*

(NZNA Elected Officer, Nov. 1990)

This strong 'nurse' identity is recognised by both NZNA and NZNU officials as necessarily the base for mobilising their members. 'Worker' does not feature as an image in nursing culture and NZNU officials had to remove the word from drafts of their awards.

*"Workers Unite', nurses hate it when you call them workers, hate it, communisty stuff."*  
(NZNU Organiser, Nov. 1990)

Cutting across the potential for solidarity provided by this identity as a nurse is a consciousness of differences of class and status between nurses as part of the hierarchical organisation of hospitals. An underlying cause of the split between NZNA and NZNU, and a central problem in bringing together NZNU's own membership, were perceptions of class/status differences between variously qualified nurses and nurse aides. A symptom of this mentioned by one organiser was that in correspondence nurses always identified themselves as 'RN' or 'EN'.

*"If you are a nurse, you are acutely aware of the social structures and the levels and where you are in it."*  
(NZNU Organiser, Nov. 1990)

Employment in the private sector of itself lowers status. The profits may be in the private sector, but the high prestige, high-tech medicine is in the public sector.

*"There must be something not so great about you if you work in the private sector, because if you are a nurse you would really want to be in the public sector..that's where all the important stuff is."*  
(NZNU Organiser, Nov. 1990)

Nurse aides share this personal identity as a nurse - understood as an experienced caregiver rather than as a holder of a professional qualification. Membership of NZNU carries significance:

*"If you are in the Nurses Union, it means you are a nurse."*  
(NZNU Organiser, Nov. 1990)

This is particularly strong among Pacific Islands nurse aides, whose culture gives higher status to caregiving than does Pakeha culture. Maori and Pacific Islands nurses, concentrated in lower grade and unqualified work, go unrewarded for the experience they often have from care of the elderly in their communities. The old are much more likely to be cared for in the Pacific Islands and Maori extended family than in Pakeha society. Some nurse aides do in fact hold nursing qualifications which are not recognised in New Zealand.

Conversely, Pakeha nurses lack skills which Maori and Pacific Islands nurses and nurse aides have - the skills of language and cultural sensitivity to care for Maori and Pacific Islands patients. Around a quarter of the Auckland population is now Maori or Pacific Islands. Hard economic times undermine the health of lower socio-economic groups, which in New Zealand are overwhelmingly Maori and Pacific Islands, and put more pressure on traditional families. For traditional Maori, the Pakeha institution of the hospital is not a good place for birth or death, yet more Maori are coming into geriatric care. Feelings of abandonment by the patient and guilt by the family are compounded by uninformed behaviour by staff which is culturally offensive.

*"They think that the Maori is sulky and difficult...many things that have been offensive so he withdraws more and wants to die...We need to have more Maori in there and even young Maori need to be taught some cultural things."*

(NZNU Organiser, June 1991)

The tendency to a white middle class bias in nursing practice can be linked to past professionalisation strategies in nursing education, and government policies for student support. NZNA recognises that increasing access costs, such as high student fees, are detrimental not only to economically disadvantaged social groups but also to the public service nursing provides.

*"The people who are providing the service ought to reflect the population that you are serving...People from lower income groups, who in this city are particularly Maori and Pacific Islands, are overrepresented as clients of the health service but grossly underrepresented as the technical providers of care."*

(NZNA Elected Officer, Dec. 1990)

A better understanding of cultural assumptions and differences in etiquette and belief is of particular importance for Pakeha nurses working in areas of high Maori or Pacific Islands population. The response to NZNA education seminars on these issues has not been high. Biculturalism and 'cultural safety' were included in nursing education, with mixed responses from students in the 1980s (Shadbolt 1984; National Action Group 1991) and recent public controversy.

For the same reasons that Maori and Pacific Islands women are marginalised in the labour market, they feel, and are, vulnerable to prejudice in the workplace. They may feel

too threatened to assert their rights or become involved in unionism. As NZNU Maori officials reported:

*"We are not used to speaking up, used to having someone else speak up for us. It is therefore difficult for Pacific Islands and Maori nurses to be assertive."*

(NZNU Organiser, April 1991)

*"I couldn't afford to make a mistake, one because of my position (as delegate) and two, because I was a Maori - that really came into it. I guess we have got to prove ourselves that we can do it."*

(NZNU Organiser, June 1991)

In the Pakeha world of the hospital, Maori may emphasise their taha Pakeha rather than their taha Maori and keep a low profile.

*"A lot of Maori go into the woodwork...there are very few that will speak out."*

(NZNU Organiser, June 1991)

Yet Maori and Pacific Islands nurses have special needs as workers and can bring special value to health care for a culturally diverse population. Officials are aware of the need for NZNA and NZNU as unions to recognise the needs and specific identity of Maori and Pacific Islands members, and to take up the challenge of the Maori community to the union movement.

Of the two unions, the greater organisational response has been from NZNU, which has a proportionately higher membership of Maori and Pacific Islands nurses and greater leadership commitment to the issue. In 1989 a meeting was held with representatives of the NZCTU Runanga and Te Kaunihera o Nga Neehi o Aotearoa. A Maori organiser was hired in 1989 based in Hamilton, and another in Christchurch in 1991. (However, by mid-1992 both had resigned.) In March 1990 a national hui was held at Mataatua Marae in Mangere, with a attendance of 16. A runanga was formed which met several times before a second hui for the Northern region in Hamilton in April 1991. This drew around 40, showing that the response was there when a space for Maori women was made in what was essentially a Pakeha structure. For many who attended, it was the first time they had attended a nursing hui, and for a few it was their first hui on a marae. A local support group for Wellington Maori nurses was also formed. The chairperson of the Runanga felt she had good support from union officials.

*"If I make decisions, I just say we need to do this and that for Maori people. So suddenly we are advancing. I feel within 15 months the advancement has been*

*anything up to 400%, now that's fantastic. Because Maori people are gradually coming out."* (NZNU Elected Officer, June 1991)

The aim was an ongoing Runanga to act as a central executive coordinating any local groups which form, rather than the independent and ad hoc organisations common among Maori (and, incidentally, feminists).

*"Okay, we are using a Pakeha structure when Maori is very tribal...because we need to grow together, be strong and united."* (NZNU Organiser, June 1991)

So far the Runanga has been involved with education, networking and confidence building. The primary focus was industrial, to look after the specific needs of Maori nurses. This was intended to complement the focus of Te Kaunihera o Nga Neehi o Aotearoa on issues of Maori health and Maori clients of the health system, and carry Te Kaunihera's concerns into the private sector workplace.

NZNU has held two successful fono for Pacific Islands members, as well as seminars. These did not result in an ongoing committee, perhaps because no specific organiser time was allocated to following up on the fono. However, Auckland organisers believed the fono were useful to increase informal networking between Pacific Islands nurses. Following the fono there was also an increase in Pacific Islands members contacting organisers with personal work problems.

Although NZNU accepted the need to improve its structures and relevance to Pacific Islands members, Maori officials were particularly concerned with issues of self-determination for Maori as tangata whenua as a first step.

*"There is no reason why later we can't awahi Pacific Islanders in, but let's get ourselves established."* (NZNU Elected Official, June 1991)

Some Samoan members of NZNA took advantage of the professional section structure to set up a Samoan Nurses Section in 1989. This provided the space for them to come together and focus on issues such as recognition of Samoan registration. A fono for Samoan nurses was held in 1990. However, the organisational focus was on NZNA's larger membership of Maori nurses.



The National Council of NZNA made a policy commitment to biculturalism in 1988 and promoted this with the membership via remits at conference and a circulated discussion paper. A hui of Maori nurses held in Opotiki in April 1990 recommended Maori representation on the Socio-Economic, Professional, and Certification Committees and a Maori seat as of right on the National Council. It asked NZNA to recognise Te Kaunihera o Nga Neehi Maori as representing the views of Maori nurses. Research on Auckland Hospital nurses' attitudes to NZNA showed that Maori nurses felt their wish for biculturalism and consultation with Te Kaunihera was being insufficiently represented by NZNA delegates (Thomson 1990:87).

From 1990 until her resignation in early 1992, NZNA employed a Maori organiser, an enrolled nurse, based in Rotorua.

*"I knew it was a good appointment when one very old and conservative person in Opotiki told me we had made a dreadful mistake."*

(NZNU Elected Officer, Dec. 1990)

Progress was slower in NZNA than in NZNU. The Maori organiser pointed to a number of factors in this. The first was somewhat circular in its operation: lack of organisational recognition in the past made Maori women both ineffective and invisible.

*"Because there was no Maori structure within the organisation, Maori women couldn't find each other and there was no structure to work through."*

(NZNA Organiser, April 1992)

Secondly, Te Kaunihera o Nga Neehi Maori o Aotearoa provided an alternative identity focus for Maori nurses which has tended to weaken the push within NZNA for organisational change to provide specific space for Maori nurses. Te Kaunihera developed as a Maori professional organisation with a strong focus on the health of the Maori community. As NZNA had industrial coverage and the right to represent nurses under the pre-1991 labour relations framework, Te Kaunihera had not been a forum for addressing industrial or workplace issues. Under the Employment Contracts Act it would be free to represent Maori nurses industrially but it does not currently see this as its role.

A third factor in slow progress was the priority ranking given to different issues by NZNA's leadership, despite the policy commitment to biculturalism.

*"It just becomes a secondary issue. There are always more major issues of concern and something has to be shelved, so that one always is."*

(NZNA Organiser, April 1992)

In the view of this Maori organiser, an effective response to the concerns of Maori nurses would provide organisational space for them both at the workplace level and at the national level. Local workplace organisation would allow Maori nurses to meet up with each other to develop and voice their concerns.

*"There needs to be Maori groups in the hospitals, specifically to look at Maori issues, then link up with the next hospital so you know what their concerns are that you could help on."*

(NZNA Organiser, April 1992)

She believes NZNA's policy commitment to partnership under the Treaty of Waitangi should include representation on its National Council.

*"There has to be a Maori representative at national level as of right. Because we are such a small number of people that we would never get someone through the system up to that level."*

(NZNA Organiser, April 1992)

## **Integrating the Professional and the Industrial**

The changes described above - the separation of NZNU from NZNA, and NZNA's own changes in internal structure and in tactics - represented a major shift in strategy. From a historical reliance on a professionalisation strategy to improve the status and rewards of nurses, the organisation of nurses was changed to combining that professionalism with a strong industrial stand, and with forms of collective organisation which could represent and service members more effectively on employment issues. This shift was achieved through a great deal of internal politicking and debate on NZNA's historic perception of unionism as incompatible with a professional identity.

The perceived dichotomy between the professional and the industrial was resolved in both NZNA and NZNU through strong policy assertions that the two were intertwined at all levels of nursing work. They should therefore be combined in nurses' representative and professional organisations. This assertion was central to NZNA officials' ability to bring more conservative members with them into the post-1988 era. It was a persistent theme in interviews for this research.

Both NZNA and NZNU officials constantly pointed out to members the interlinking of the two in workplace problems and in the wider work of the organisation. An example was given of a nursing 'incident': an old woman falls out of her hospital bed. Is this an issue for professional standards of care or for guidelines on restraint set by principal nurses? Has a ward protocol been neglected and is it an issue for discipline? If a nurse aide is dismissed, it becomes an industrial issue. Was it a matter of insufficient supervision or training, and is that an industrial or a professional issue? Was it attributable to low staffing levels, and is that an industrial, professional or a poor management issue. Or is it a political matter relating to Private Hospital Regulations? Is old women falling out of bed of professional interest to NZNA's gerontology section, or should an nursing ethics committee consider the inhumanity of strapping old people down?

Recognition of the inherent intertwining of the professional and industrial in nursing work allows a shift to the view that taking a strong industrial stand is not incompatible with a professional identity. The past exclusive focus on a professional strategy sapped nurses' potential industrial strength. In the past:

The objectives of NZNA have meant clinging to the principle that the patient must come first. At times this has meant the nurse coming a poor second.

(Carey 1984:22)

As the industrial and professional came to be recognised by members as inseparable in a commitment to standards of care in public health, past weakness was being turned into industrial strength. Where action was based on nurses' strong moral sense of justice, a strong identity as nurses could enable them to stand together. On that collective identity NZNA officials were trying to build a organisation that could meet both the professional and industrial aspirations of nurses.

*"That is actually where our strength lies, even though it means we spend a lot of time agonising over it."*

(NZNA Elected Officer, May 1992)

The professionalisation strategy used the power of the state to assert nurses' autonomy and status within the gender division of labour which structures health services. In recent years, however, it has been not the medical division of labour which has been of most concern, but the employment relation between nurses and state sector managers and negotiators. As long as NZNA maintained a relationship with the Health Department that

could be described as 'symbiotic' (Kinross 1984:109), industrial strength was less important. However, the state stepped back from that close relationship with its public servants. Changes in state policy hardened employers' negotiating stance and legislation required professional organisations involved in wage negotiations to register as unions. There was an inordinate amount of industrial change to be communicated and dealt with, giving rise to criticism by some members that NZNA neglected professional issues. The intention was that the fully developed structure would cater well to both. If industrial aspects were overweighted, it was perhaps because the government had its thumb on the scale.

NZNA and NZNU had a wider brief than most unions. As professional organisations, they were centrally concerned with the content of nursing work, not just terms of employment. For NZNA the project of the 1980s was to restructure a successful professional organisation into a democratic industrial organisation which could represent nurses more effectively in award negotiations, and in the problems of the workplace. The goal was to balance the industrial and the professional in organisational terms, in recognition that the two were intricately intertwined in the labour process of nursing.

*"We haven't come whole yet, people still talk about the professional side of it and the industrial side, whereas the whole lot is just totally interlinked...We still haven't come together because a lot of nurses can't cope with the word union and utilising in its full context...If it is something to do with a meal break, okay, go to the union; if it is something to do with the patient, you can't."*

(NZNA Organiser, April 1991)

NZNA's new structure was designed to provide for professional as well as industrial, but special interest sections were still in the process of formation at the time of research. Workplace and delegate structures appeared not yet to be as effective in facilitating feedback as they might be. There had been little time to establish new systems at all levels and refine them to full effectiveness. Changes of policy and legislation and constant Area Health Board restructuring diverted attention and energy away from such organisational tasks.

Dissatisfaction about industrial concerns being subordinated to NZNA's professionalisation was central to the separation of NZNU from its parent body. The issue of

integrating the professional and the industrial continued to be also central to discussions (and competitiveness) between NZNA and NZNU in proposals to reintegrate the two organisation. Each maintained that it served its members in both areas better than did the other.

It was clear that an influential proportion of NZNA's members saw themselves as professionals, and were being brought to unionism more through the government's efforts than through their own. Some professionally oriented nurses with specialist training or in senior positions were vocal about their concerns. There were, however, many nurses in the public sector who were not actively concerned with professional issues, but who might be wary of involvement with a union, or unwilling to spare the time, unless they had a specific grievance.

*"They just worry about the pay at the end of the day, just the job. Your charge nurses, unit managers tend to carry the professional side of the organisation."*  
(NZNA Organiser, June 1992)

A much larger proportion of NZNU's members had little interest in specialised professional matters and a primary interest in employment protection in a higher risk environment.

*"In the private sector they are really dumped on and they see it. We have no illusions about the power structure and where the power base is. And our members are becoming more and more aware of it."*  
(NZNU Elected Officer, Nov. 1990)

Nurse aides, in particular, were not interested in the more esoteric professional concerns of registered nurses - specialisms, nursing education curriculum, Nursing Council, etc. However, it was participation in just such concerns and in the raising of professional status that attracted registered nurses in the private sector to reamalgamation with NZNA.

NZNU officials agreed strongly that the profession and industrial were inherently intertwined, but in its view, whatever the issue, whatever professional aspects and arguments arise, in the end it would be the member's employment that NZNU was defending.

*"Nine times out of ten you can boil it down to industrial. We know through history and through international information that a professional organisation of nurses will not survive alone, it has to have the industrial arm."*  
(NZNU Elected Officer, Nov. 1990)

NZNU officials saw a route to higher professional standards of care and high professional status for nurses through defending nurses' employment rights and mobilising them to assert collectively the value of their work and themselves.

*"We are a union and proud of it. That is how you are going to improve standards of care and professional things, through organisation...It is all about the organisation and the politicisation of the membership."*

(NZNU Elected Officer, Nov. 1990)

The differences in perception between NZNA and NZNU - especially their perceptions of each other - were central to resolving the problems of reamalgamating the two organisations.

### **Amalgamating the Public and the Private**

At the time of study, NZNA and NZNU were in the process of negotiating an amalgamation into one union by April 1993.

The initial proposal for amalgamation at an NZNA conference is believed to have come from practice nurses; that is, from registered nurses who belonged to NZNA as their professional association but who were covered industrially by NZNU. The matter was raised at the 1989 and 1990 conferences of both NZNU and NZNA and both memberships voted in favour of investigating the options. The issue was membership driven: nurses thought they should be together.

There was some reluctance on the part of officials in both unions since the causes and the difficulties of the split were still fresh in their minds. NZNU's interest increased from late 1990 as the content of National's labour relations policy became clear. In a deregulated labour market, NZNU expected to suffer coverage losses if its awards fragmented into enterprise bargaining, affecting its financial viability. Under voluntary unionism, membership losses were likely among practice nurses, the least organised group with the most difficult, personalised employer relations. Some would prefer NZNA as their bargaining agent, although NZNA undertook to respect the NZCTU Code of Conduct on contestability of coverage. Amalgamation would resolve this particular problem, while offering economies of scale and resource rationalisation.

For the few private sector nurses who maintained double membership, amalgamation would have the savings attraction of paying a single fee, instead of two, on top of the cost of their annual practising certificate. It would provide opportunities for involvement in NZNA's professional sections for those interested in particular specialism, e.g. theatre nurses.

*"Of course we want the professional side because we know that nurses want access to it. We've got theatre nurses and practice nurses and other groups who want access to a good professional organisation. And the Association people are saying, we know the future is as an industrial organisation, the professional intertwines all the way through."*  
(NZNU Organiser, Feb. 1991)

However, other sections of NZNU's membership feared losing the improved representation they had had since separation, if their minority concerns were again submerged in a large organisation with a primary focus, professional or industrial, on qualified nurses in the public sector. NZNU officials were unwilling to amalgamate unless a new structure could ensure an adequate voice for NZNU's lowest paid and hardest-to-organise members. Nurse aides and enrolled nurses would be a smaller proportion of the amalgamated organisation, besides being spread across a wider range of employer situations. Nurse aides from both sectors would make up only around 21% of the combined membership, whereas they were currently 40% of NZNU. NZNU's smaller industrial groups would become tiny minorities in the larger organisation.

Because of past experiences, the financial aspects of an amalgamated organisation would need to be very clearly worked out.

*"If we can get it right, NZNA is the organisation to amalgamate with as far as our membership is concerned. The thing is getting those structures right and getting an organisation that is workable and can service both sectors, private and public."*  
(NZNA Organiser, April 1991)

NZNA officials also had reservations about amalgamation, since NZNU's industrial difficulties would become the business of the new organisation. The ways in which private and public nurses could, or would, support each other in resolving disputes with different employers under different contracts were very limited. This was already a familiar situation for NZNU, which had not had the single employer and one comprehensive award that NZNA had enjoyed. Economies of scale would help ensure the continuation

of services and negotiation for private sector nurses, as amalgamation would bring together a membership at current levels of around 36,000 nurses, including NZNA's professional-only members.

In early 1991 NZNA's Socio-Economic Welfare Committee was against the amalgamation, for several reasons. From the point of view of industrial effectiveness, they saw no merit in an amalgamation based on purely professional sentiment, driven perhaps by conservative Category B nurses. It would bring NZNA insoluble industrial problems without increasing industrial strength.

*"The private nurses are not going to go out in support of public nurses and public nurses are not going to go out in support of private nurses. They can't under the (Employment Contracts Act) now and they would have been pushing it under the previous law."*  
(NZNA Elected Officer, May 1991)

They saw amalgamation with a private health sector union as cutting across NZNA's commitment to a publicly funded and accountable, quality health system. However, like other unions, NZNU supported publicly funded health services, for the very good reason that its low paid members themselves relied on them.

*"We have always had a stated political position that we support the continuation of a free, accessible, top quality, culturally sensitive public health system, but our job is to look after the private sector nurses."*  
(NZNU Organiser, Feb. 1992)

However, with possible increased contracting out of health services to the private sector, the Committee had doubts that this political commitment would hold up. In an organisation spanning public and private, internal conflicts of interest might arise in defending redundancies, for example. This raised the issue of whether nurses would support not just an economic but a political unionism (Deeks & Boxall 1989:276); whether NZ unionism was to be about marketing services to members as individuals, or about participating in society to improve conditions for working people as a whole. Aspects of this question, as part of a professional discourse on health, have always been relevant to nurses whose job involves the provision public health services in a welfare state.

However, even NZNA staff who expressed opposition to amalgamation with NZNU in late 1990 and early 1991 expected it to go ahead, because nurses would vote in favour of it.



*"I think the amalgamation will occur because the predominant number of nurses are not unionists, they are professional nurses." (NZNA Organiser, May 1991)*

The benefits were greater financial viability and economies of scale in resources and specialist skills; greater professional interaction for members; a more united political voice. Some of NZNU's internal contradictions due to the polarised composition of its membership and their divergent interests in organising might be resolved by the greater range of nurses under an amalgamated organisation, but might also bring a return of the problems suffered before separation. The difficulty was to arrive at an organisation structure which gave members value for their union fee, representation for all groups and the right blend of industrial and professional concerns.

*"(An NZCTU Official) said to me, what with NZNA's smugness and our paranoia, she doesn't know when we are ever going to amalgamate. And that's it in a nutshell."*  
(NZNU Elected Officer, Nov. 1990)

An early structure suggested by NZNU (News July 1988) was to separate out into a joint 'College of Nursing' matters of 'purely' professional concern - such as nursing education, the basic caregivers course, certification issues, the Nursing Council, Nursing Act review, etc - while continuing autonomy of industrial representation in private and public sectors. Other nursing organisations would be encouraged to participate in the College. This suggestion was rejected by NZNA, since professional and industrial matters were intertwined. The suggestion cut across NZNA's resolution of its internal professional/industrial debate. A 1989 proposal for a Federation of all nursing organisations also came to nothing, and NZNA members at Auckland Hospital felt NZNA had not done enough to unite the various nursing organisations (Thomson 1990:87).

In late 1990 NZNA and NZNU jointly funded an independent investigation, which proposed a new structure with workplace representation to 14 regional councils and a national council, with special occupational and interest representation assured at regional and national levels and proportional private/public sector representation (Steel 1991). This would give a National Council with 29 members (up from around 20), which was unlikely to function effectively or meet economically. With regard to the integration of the industrial and professional, the proposal appeared to assume their integration by ignoring them,

rather than by providing structural space for these issues to receive attention. However, the report provided a basis for discussion and a beginning to concrete negotiations.

Progress was slow on issues of representation. NZNU wanted representation on a National Council of Maori and Pacific Islands nurses, nurse aides and enrolled nurses, and nurses in small workplaces. This represented a large step for NZNA, in the implementation of its policy commitment to biculturalism, and in that interest representation of this kind cuts across numerical representation of NZNA's much larger, much more qualified workforce. The national executive would again be unworkably large. In April 1991 NZNA's National Council accepted representation for Maori and enrolled nurses, and nurse aides scraped in by one vote. It voted against specific Pacific Islands representation, but for Maori representation, tackling biculturalism first in recognition of the Treaty of Waitangi.

In November 1991 a postal ballot of both memberships was in favour of amalgamation based on a preliminary structure proposal. The structure proposed at this stage retained private and public executive committees while operating joint regional and national councils. However, as serious negotiation on a constitution began in a steering committee and issue sub-groups, the structure for the new NZ Nurses Organisation changed considerably into a more fully amalgamated form.

At this stage all specific representation positions were dropped to make the transitional and future executive a workable size. However, at a combined Special General Meeting of delegates the chairperson of NZNU's Runanga spoke with such effect that representation for Maori was gained.

*"Some of the NZNA people said to me, 'But we can only move as fast as our members on biculturalism.' I said some of it has to be a executive direction, it's leadership. If we wait until every nurse in this country is ready to acknowledge biculturalism, we will all be dead and buried."*

(NZNU Elected Officer, May 1992)

The resulting structure allowed for both professional and industrial organisation, with specific representation from the professional and industrial advisory groups and Maori Runanga on the National Executive, as well as representation from regional councils,

where the industrial and professional are integrated. During a transition year the national executive would have representatives from 13 regions and from public and private Bargaining Advisory Groups for public and private sectors. It would be led by the present NZNU National Secretary and NZNA Executive Officer who would both retire from office in 1994. The new National Executive would consist of 15 members: the president, a single national director who must be a nurse, the chairperson of the professional advisory group, chairperson of the Runanga and 11 regional representatives with public and private sectors no longer distinguished. As a joint statement pointed out to members at the time of the ballot:

The future structure of the health system is likely to merge or make less distinct the public and private health sectors. It is therefore important that the new nurses' organisation is flexible enough to adapt to whatever reorganisation of the health service finally emerges. (Kai Tiaki Nov.1991:21)

Membership of the new NZ Nurses Organisation (NZNO) is wider than NZNA's traditional membership for two reasons. Firstly, NZNU had a more diverse industrial coverage of nurses, both in kind and in qualification. Secondly, the Employment Contracts Act no longer restricts the occupational coverage of unions through registration. With the collapse of NZCWU, NZNU undertook to cover GPs' receptionists and other clerical workers on its private health sector worksites. It already represented councillors and clerical workers in Family Planning. While the number of non-nurses concerned was very small, there were some who saw diversity as likely to affect NZNO's professional orientation.

In 1991 the College of Nursing proposal surfaced again. A meeting convened in August in Palmerston North established a project team to consider the formation of a College which would have as its primary purpose a professional focus. With no involvement in industrial issues or contract bargaining, it would devote its energy purely to professional matters in a way these nurses felt NZNA could not. Senior officials of NZNA attended this meeting, but NZNA's National Council decided against supporting the concept because the College appeared to be in competition rather than collaboration with NZNA, because NZNA already fulfilled the professional function outlined, and because membership was not open to all nurses whatever their status.

The College was being organised under dual Maori and non-Maori patrons with equal Maori and non-Maori representation on its Council. Its vision was 'Professional excellence in nursing practice, education and research, in a negotiated relationship with tangata whenua; A unified forum for examining issues relevant to nursing and health of the community.' Although earlier proposals called for one body to unify the various organisations representing nurses, the College was made up of direct individual memberships, not organisations. It was open to registered nurses only, who could apply for acceptance as ordinary members or as fellows (sic) on the basis of their experience and qualifications. Application criteria make it clear that this would be an professional organisation for the elite of nursing. The impetus came mainly from nurse educators who did not share the industrial situation of the majority of nurses in either the public or private sector, with strong input from some members of Te Kaunihera o Ngaa Neehi o Aotearoa.

This development was the reaction of small numbers of very professionally orientated and career minded nurses to the strong industrial direction nurses have had to take, and to amalgamation into what they felt would be a organisation devoting little space to purely professional issues. However, by 1992 both NZNU and NZNA officials saw amalgamation as a vital strategy in facing a shift from public to increased private provision of health care. Moves in this direction gathered speed under the National government.

*"Amalgamation will mean we have one unified body of nurses where the demarcation of public and private won't matter. Whatever happens...we can fight industrially, politically, professionally as one group, not two and we are not doubling up on resources."*  
(NZNU Elected Officer, May 1992)

## **Nursing and NZCTU Strategies**

The State Owned Enterprises Act, 1986 and State Sector Act, 1988 implemented a private sector model of ownership, management and labour relations for the institutions of the state. The trade union movement recognised the implications of this for state sector unions in the formation of the NZ Council of Trade Unions which in 1987 brought together in a new organisation the Combined State Unions and the unions affiliated to the Federation of Labour. NZNA was active in the CSU and continued to maintain a high profile within the NZCTU, with its Executive Director on the NZCTU executive.

*"A lot of hard work was done to ensure that NZNA had a voice within the CTU, we pushed to get (our Executive Director elected) on the Executive...It has proved to be absolutely vital, we have a major input on the executive... It keeps the profile of our union up and keeps us involved in the issues of the CTU."*

(NZNA Staff Officer, March 1991)

*"If we ignored that position I think we would be doing our members a disservice, we would have decisions made over us that wouldn't suit us."*

(NZNA Elected Officer, Nov. 1990)

NZNA was well represented at the second NZCTU Biennial Women's Conference in 1991 by elected officers from Christchurch and Auckland, as well as Wellington staff. Regional organisers are encouraged by head office to participate in local NZCTU committees as well as CHEC.

*"There isn't major involvement around the country with our members (but) we coordinate a lot of our activities at a national level."*

(NZNA Organiser, Oct. 1990)

Although registered as a private sector union since 1974, NZNU only became active in the union movement on separation from NZNA - effectively after the NZCTU became operational in 1988. As a much smaller organisation with more limited resources, it was far less involved in the development of NZCTU than NZNA, except as a voting affiliate. Its main involvement was on women's issues, aspects of which were coordinated under the NZCTU umbrella. Where NZNA tried to maintain a high input at the policy level of the union movement, much of NZNU's work with other unions was at the level of practical issues and workplace disputes.

The NZCTU's plan to restructure the union movement proposed grouping both the nurses unions within a health sector union, together with half the Hotel & Hospital Workers Union, the health sector sections of the PSA and splinters of other unions with some health sector coverage (NZCTU 1989a). It should be remembered that historically H&HW was the union whose coverage nurses in the private sector rejected.

In public health sector award negotiations, it could be said in 1991 that some small progress had been made towards restructuring awards on an industry basis. Under the auspices of the NZCTU's Health Sector Standing Committee, NZNA worked closely with

other public health sector unions in the industrial action in 1989, in award negotiations in 1990 and 1991, and on the effectiveness studies - primarily with the PSA for health professionals and the H&HW for orderlies, cleaners and kitchen staff; the Clerical Workers Unions in the South Island and the Northern Association of Local Government Officers; and to a lesser extent unions representing male trades employed in hospitals.

*"We get touted around the CTU as being a very good sector... put up as an example of how unions should behave and organise themselves, but it is bloody hard work, we come with different agendas, different views and that always creates problems."*  
(NZNA Staff Officer, March 1991)

These unions first began to work directly together, independently of NZCTU structures, through the Combined Health Employees Committee (CHEC) at the time of the 1989 industrial action and negotiations. In a campaign-style organisation of unions and local community groups, CHEC committees formed in most centres in response to the closure of services and hospitals. In 1990 CHEC lapsed somewhat, as responsibility for effectiveness studies was assumed by regional NZCTU coordinators.

*"The industrial democracy protocol has drawn workers within the health sector together so that the various health unions have come to work more closely together."*  
(NZNA Staff Officer, March 1991)

One outcome of this closer working together was that in 1991 NZNA, PSA and SWF insisted on negotiating the renewal of their awards together, at the same date, a move disliked by employer negotiators. In November 1990 NZNA's membership voted in favour in principle of negotiating a composite national award together with the PSA to cover all nurses and health professionals. This would have involved 35 occupations and around 10,000 PSA members. At this time some Socio-Economic Welfare committee members favoured an amalgamation in this direction to one with NZNU. In their view, it would strengthen NZNA's industrial base vis a vis its employer, which was the basis of the NZCTU's argument for industrial unions. However, others felt this would be quite unacceptable to many nurses, whose main focus and identification was professional, and possibly incompatible with membership of international nursing bodies.

In 1989 NZNA had been the least confident of the major partners in the health sector strike. By 1991 it was the PSA national office, partly because of internal splits, which was

slowest to see the need to join in the union campaign against the Employment Contracts Bill.

*"We didn't go with the PSA at national level, we went with the SWF; that is, changing the direction of our linkages."* (NZNA Staff Officer, May 1992)

Linked award settlements increased negotiating strength, although the implication in this that professional nurses were prepared to go out in support of the cleaners' award was never put to the test. As members of the unions met together and work together more, NZNA organisers felt class barriers between occupations may be softening:

*"We work very well at the member level, mine were greener... (When a nurse raised a question) other people there, other health employees, gave her answers, they interact, they listen and she changed her mind."* (NZNA Organiser, May 1991)

Gender prejudices may take longer:

*"Our women don't accept the male chauvinism of some of the tradesmen. They might be conservative feminists but they have some feminism that makes that relationship very difficult...Just the traditional men, might be an orderly or a boiler maker, but the way they put things to our members... Still that bit of antagonism with the PSA men nurses too... They tend to look on our women as pathetic, but in the last three years our women members have been stronger in the health sector than the PSA men nurses."* (NZNA Organiser, May 1991)

Cooperation between unions in private health was more pragmatic and little based on the NZCTU sector plan, which appealed to neither NZNU nor H&HW officials. In workplaces, demarcation disputes involved cooperation, rather than disagreement. NZNU was interested to set professional boundaries on the handling of food or laundry beyond the immediate tending of the patient and resisting attempts to increase nurses' workload. This coincided with the interests of H&HW officials. 'Flexibility' by nurses would mean encroachment into the areas of work available to their members, and consequent job losses.

NZNU did not see industry or sector unionism as the best way of servicing or mobilising its members.

*"The argument is that everyone would be covered, as jobs changed they wouldn't fall through a hole. I'm not absolutely convinced...It depends what is the key issue, working in a particular industry or is it your occupational identification?"*  
(NZNU Staff Officer, Nov. 1990)

While nurses and domestic workers worked together and were sometimes both involved in industrial disputes, concerns about social status and a media-influenced view of non-nursing unions as 'too militant' continued to make closer industry-based union organisation unacceptable. Despite earlier neglect by NZNA, nurses in the private sector never opted for coverage by the long established H&HW union.

*"One of the reasons nurses wanted a nurse orientated union, and did not want other people running it, was they saw that nurses had a different view of life, and what was important and what wasn't."* (NZNA/NZNU ex-Organiser, Feb. 1991)

This attitude was reinforced during the 1990 strike by the uncouth behaviour of some male H&HW organisers towards both nursing staff and their own members, swearing and calling them scabs. This was far removed from NZNU's own ideals of organising to empower women.

*"There are ways and ways (to get people out) ...the irreparable damage...Those people will never go on strike or it will be as quivering wrecks with no understanding and a permanent loathing for the union movement. Just not a good way of organising."* (NZNU Staff Officer, Jan. 1991)

H&HW's coverage of a large female membership in the two 'industries' of hospitals and hospitality is in fact based on class; it organises low paid, low status service workers. Even nurse aides on similar pay preferred the higher social status carried by the image 'nurse'. Although cooperation and support could be achieved, NZNU officials felt that for many of their members the social gulf between nurses and hospital domestics was as large as that felt between nurses and doctors.

In terms of NZCTU's sector plan, then, both interest in this as a strategy and progress up until 1992 was greater in the public sector than in the private. Despite increasing cooperation, there were considerable gulfs to be bridged between the analysis and organising tactics of officials of the nurses unions and H&HW, as well as class and/or gender identification of their members. While industry or sector union might build a strong negotiating base with employers, it cut across the past strategy and continuing identification of nurses as a profession. Those NZNA officials who did favour a single public health 'industry' union saw it as a goal for the distant future. The far stronger base for organising membership solidarity and collective action, identified by officials of both



nurses unions, was nurses' very strong identity as nurses. It was this rather than health industry solidarity which moved the nurses unions to amalgamate.

While NZNA was broadly supportive of and involved in NZCTU policy making, not all the initiatives of NZCTU's leadership nor the strategies adopted by the NZCTU as a whole were what NZNA would have chosen, although NZCTU mediation in negotiations had at times been very helpful. NZNA officials initially abstained on the Compact until they could take it to the membership. Because of its vague wording, NZNA officials had doubts about how the Compact would be used, and what it would mean for women and Maori. But it was endorsed at the April Special Conference on the recommendation of NZNA's National Council. The Growth Agreement which followed limited unions to a 2% wage increase, plus a possible 1% for 'productivity', just as NZNA's negotiators were going into the next wage round with a 4% claim.

*"By putting it up there, it becomes a position that is around anyway, even if it is not formally adopted."*

(NZNA Organiser, October. 1990)

Not all NZNA officials were happy with this. Some organisers saw it as cutting across the pay equity strategy into which they had put considerable effort.

*"I don't think we should be buying into this Growth Agreement at all. I think the issues of gender are really important and women's wages do not need to be cut. If someone wants to do something for the economy, well, let all the men out there do something. They earn 25%<sup>10</sup> more than us, they can afford it."*

(NZNA Organiser, October. 1990)

NZNA took a neutral stand on the Growth Agreement within the NZCTU and planned to put it to the membership together with a vote on negotiating on a composite basis with the PSA. But with the change of government, officials let it slide.

*"If the Labour government had stayed in, once we had done the deal with them, I would have expected delivery on everything else that was part of the Compact. Now whether that would have happened or not, we will never know."*

(NZNA Staff Officer, March 1991.)

Like other unions for female dominated service occupations, officials had difficulty with the production orientated concept of arguing an additional 1% for increased

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<sup>10</sup>Average weekly ordinary time earnings, 1990.

productivity. Productivity could not be easily measured as an outcome of nursing work. It could translate as workload intensification under lower staffing levels. This had already been occurred for some time, and resisted by NZNA officials because of stress on nurses which lowered both retention rates and standards of nursing care. Since 1989 nurses had been formally involved in working with management to increase service effectiveness, without a linking of savings to wage increases which the Australian Accord contained.

*"Because of the way the Growth Agreement is written, it is looking at future productivity. Nurses were saying, we can't be more productive than we are now...The effectiveness studies and review procedures under the (1989) award, what they actually were was saying, let's look at this area and make it more efficient and effective - that's a productivity argument."*

(NZNA Staff Officer, March 1991)

NZCTU's Vice President brought the initial Compact to NZNU's Committee of Management in April 1989. Officials did not initially support the NZCTU's Compact. However, a paper was circulated to branches and the 1989 Conference voted qualified support for the concept. Officials considered the Compact lacked detail and it was unclear how it would affect concurrent strategies for women. They were sceptical about what the costs of the deal would be, in view of the role played by FOL leaders in the loss of unions' right to compulsory arbitration on disputes of interest in negotiations. It was Labour and FOL leaders who had preferred increased free collective bargaining, with greater right to legal strike, to the old system of arbitrated negotiations on which NZNU had relied to achieve and improve its awards. Yet within so short a time that greater freedom to negotiate was being traded for a centrally imposed across-the-board 2% wage increase.

But while some unions might be glad of an assured 2% in that wage round, the Growth Agreement was a constraint on NZNU's bargaining position. It was in an expanding and profitable industry, not a contracting one like manufacturing or engineering. Like NZNA, NZNU negotiators had been planning a claim of around 3-4%. Now it had a limitation to 2%, plus the problem of defining nursing 'productivity'. On this, NZNU officials took a similar view to NZNA. In negotiations with Plunket, for example, NZNU was already trying to address excessive case loads. NZNU members were tapped for ideas and evidence about increased workloads and other changes, and NZNU produced a 15 page

document for the award round, arguing that 'productivity' should include the unrewarded job intensification of the past few years.

Dissatisfactions expressed by NZNU officials were as much about the process, as the content, of the Compact and Growth Agreement. They were corporatist strategies already decided on by NZCTU and political leaders, and brought to the affiliated unions for endorsement. NZNU officials were expected to decide on the issues before members could be consulted or asked to vote. There was, however, some pragmatic acceptance of the Growth Agreement by NZNU officials as a party political strategy. At the time, what appeared to be drafting instructions for the National's future Employment Contract Act had 'fallen off the back of a fax machine' and were being rapidly circulated among unions.

*"That was a an attempt to keep a Labour government in office. It was worth a punt. We had pay equity on the boil, we knew what we were facing with a National government...We have now got National and women have gone back 100 years."*  
(NZNU Elected Officer, May 1992)

The work of both NZNA and NZNU officials on redefining the productivity concept to make it relevant for nursing work was overtaken by political events. With National's Employment Contracts bill before the House, NZNA and the other public health unions agreed to a nil increase renewal of their documents for another year before the Bill became law.

### **Employment Contracts Policy in Health**

The increase in employer power brought about by the Employment Contracts Act (Anderson 1991) was felt by NZNU members within days of its passage into law, with some employers threatening nurses with the 'new environment' and unilaterally changing their hours of work, although national awards remained in force until early 1992.

*"Two practice nurses at the same time, same thing. The number of calls I fielded that Thursday and Friday. Then fourteen people turned up at my place on Saturday."*  
(NZNU Organiser, April 1991)

When the Practice Nurses award was renewed for another year in 1991, it no longer included the new emergency clinics set up by medical entrepreneurs. This left them free to negotiate at once under the Employment contracts Act, and in June 1991 NZNU

became involved in a small but important dispute with one of its most difficult employers. Twelve nurses employed at a 24 hour A&E clinic were handed their 'new contracts', which included 14 hour shifts, split shifts, no penal rates, no overtime pay, a 20 km restraint on other employment and a \$40,000 fine for breach of business confidentiality. NZNU began negotiations on their behalf for a collective contract including a redundancy clause, but five days later the employer gave the staff 'new conditions', to commence without negotiation the next morning. These included 12 hour shifts, split shifts, one nurse to be made redundant and one to be casualised. The nurses stopped work and picketed the clinic, and within five hours the employer agreed to negotiate.

The employer got his redundancy cheaply when one nurse found other, more reasonable employment. NZNU then proposed a flexible roster and a flat hourly rate, with slightly higher rates for unsociable hours and sole responsibility. The employer rejected this, refusing even clauses dictated by legislation, such as parental leave, personal grievance and disputes. In late July he made eight nurses 'redundant', leaving four nurses to staff a 24 hour, seven day clinic. The nurses voted unanimously to strike, but also to picket 24 hours a day so as to cover any life threatening situation which arose. The strike lasted 37 days.

The employer sought an injunction to have the strike declared illegal as related to redundancy or unfair dismissal, but the Employment Court upheld the nurses' right to strike in support of a collective contract. Bureau nurses were brought in, but the clinic's hours of opening were severely reduced. The nurses received a great deal of media attention, and financial and moral support from other unions, including NZNA. In September the building was closed by its owner for non-payment of rent and the clinic went into receivership. However, as an emergency clinic serving a population of 150,000, it had considerable business potential and NZNU was able to negotiate satisfactory terms of employment with prospective buyers. In the view of the nursing director involved, the nurses' action had helped put their employer out of business, but had in the long run ensured both employment on satisfactory terms and the future of a community service. Their NZNU organiser acknowledged that this employer presented an extreme case, but

pointed out that employees' rights and protections were naturally never devised in relation to good employers.

The majority of NZNU's new negotiations under the Employment Contracts Act did not commence until awards expired in 1992. During 1991 Private Hospital employers expressed interest in dividing Private Hospitals award into three multi-employer contracts, but in March 1992 negotiations simply fragmented into enterprise bargaining. NZNU's secretary suggested that the relatively new private health industry lacked the long established networks and personal contacts between employers that would have made collective strategising possible. This lack of unity was exacerbated by the prospect of competitive tendering for public health services in 1993. The one area in which this fragmentation acted in NZNU's favour was resthomes. Employers had collectively declined to negotiate with NZNU in 1990. Under the Employment Contracts Act, the standard enterprise basis of bargaining removed the possibility of an award but also fragmented employer solidarity. Dealing with individual resthome employers, NZNU and SWU officials together achieved some collective wage documents, which had not previously been possible.

Surprisingly, it was NZNU's most difficult employer group, GPs, which agreed to one of the few multi-employer contracts so far achieved. After some months of pressuring employers and organising nurses, a satisfactory contract for practice nurses was negotiated between NZNU and the General Practitioners Association, which individual GPs opted to sign. Initially, employer negotiators wanted the contract to become null and void if, as was likely, the government subsidy for practice nurses was removed. However, an agreement was reached that the parties would meet and negotiate a managed change if the subsidy was lost.

*"We said, no, it is in the interests of everyone, doctors, nurses and clients, if we come together and work something out, not just all splatter and no process."*

(NZNU Elected Officer, May 1992)

However, GPs have so far refused to include, or negotiate a separate multi-employer contract, for medical receptionists. Under NZCTU prompting, NZNU assumed responsibility for NZCWU's members in the private health sector and wrote to them

offering membership and services. Some clerical members have been picked up and included in worksite contracts. Numbers are small, since private health services are heavily concentrated in the population centres of the North where clerical workers continue to be members of COMPASS. Medical receptionists are the largest group; more clerical staff are employed by private surgical hospitals than by geriatric hospitals or resthomes. Once the first round of contracts was completed, officials planned to assess the situation of these clerical workers and how best to represent them.

*"When the NZCTU rang me, I said from the Union's point of view we feel fine about it, but we will need to talk with NZNA before I say yes, to see where that leaves us with amalgamation. So we all met and it was fine, because in this environment we have got to look after people. The bottom line is that workers have to be given the choice of union representation."* (NZNU Elected Officer, May 1992)

In private hospitals NZNU officials set out to renegotiate one award into around 200 enterprise or worksite contracts. The expected membership losses - around 20% - came not through individual resignation from voluntary choice but through loss of coverage where employers refused to negotiate collective contracts and discontinued union fee deductions. Fee deduction became an important point in NZNU's contract negotiations.

*"Our membership has held up...Where employers have just stopped deductions...people still want to belong, it's just a motivation thing, they don't get around to it for another six weeks and we have lost that revenue. Some of them never get around to it."* (NZNU Organiser, Aug. 1992)

The enterprise base of negotiation involved nurses much more directly with their own employer, an aim of the Act frequently cited by its advocates (Myers 1992:4; Birch 1991, 1993; Boxall & Haynes 1991). But they continued to be represented by NZNU: only two groups of private sector nurses chose a non-union bargaining agent. At one North Shore resthome, staff negotiated directly with their employer, getting a good base rate in compensation for penal payments. When the employer broke the contract and cut rates back, they rejoined the union. Fragmentation to enterprise bargaining reduced collective negotiating strength, however, with many employers attempting to break it down further to individual contracts.

*"Very, very few advantages to the Employment Contracts Act but it certainly brings negotiations home to the nurses in the worksite, brings home what is happening to them, and what the employers want is devastating...It is more personalised for the nurses, but the outcome is much worse."*

(NZNU Elected Officer, May 1992)

Six months after expiry of the award, half the country's private hospitals had concluded collective contracts with NZNU. Most difficulty in negotiations was experienced in Auckland, the region with greatest concentration of population, the most private hospitals and the greatest competition to keep beds filled.

*"Some of that competition is government driven. One very quick way to stop spending money is...referring people to a resthome rather than hospital care so they save a subsidy... There are now stage 2 and stage 3 resthomes that have people who a year ago would have been in a hospital, so they are not getting proper care."*  
(NZNU Elected Officer, May 1992)

By October 1992 only a third of Auckland private hospital employers had a collective contract with their nurses. Another third were insisting on individual contracts only, on the advice of the Health Employers Council. The largest employers were the most difficult. Southern Cross, who own 10 out of New Zealand's 30 private surgical hospitals, wanted all nurses on individual contracts, and were hiring new staff on inferior terms. An experienced senior theatre nurse was offered a job at the highest staff nurse rate under the old award, but with no penal rates and only legal minimum holiday and sick leave. Although the Act protects against individual contracts 'inconsistent' with a workplace collective contract, this is no protection where existing employees are unable to achieve a collective contract and hold on to existing terms of employment through 'assumed' individual contracts under the Act.

*"They have said quite blatantly, if they can get registered nurses to work for \$9 an hour, then they will employ them. It is better for them to have a job than being unemployed, that is their argument. That's a 30-40% wage cut for a registered nurse."*  
(NZNU Organiser, Aug. 1992)

The large religious and welfare hospitals, formerly considered good employers, resisted incorporating current terms and conditions in collective contracts. Presbyterian Support Services (PSS) initially wanted one national enterprise contract, but after four months of discussions NZNU officials decided they could only achieve contracts acceptable to members by breaking negotiations down to a regional level. A contract was agreed for the whole of the South Island, followed by one for Hawkes Bay. Auckland PPS employers refused to compromise on their position. Auckland Methodist hospitals employers also generated problems for NZNU. While negotiation were being conducted, nurses at one hospital were being taken off their normal weekend shifts unless they signed the

employer's offer. NZNU was able to stop this by obtaining an interim injunction on the basis of eight personal grievances filed against this one hospital.

PSS nurses were reluctant to take strike action to back their position, deterred by high unemployment as much as moral constraints. Strike action might risk escalating the situation as, following the Employment Court judgement on the IHC case, employers could use a partial lock-out of current conditions to force acceptance of their contract offer. An alternative was presented when a Tauranga nurse suggested a hunger strike, following the example of Norwegian police for whom striking was not a legal option. The proposal for a 48 hour hunger strike was readily taken up by nurses at other PSS hospitals and resthomes, spread to domestic workers and then to staff in Methodist hospitals and resthomes experiencing similar negotiating problems. The action involved around 650 workers in Hamilton, Tauranga, Thames and five hospitals in Auckland.

*"The nurses are saying, we have to get used to going without food because the contract the employers are forcing on us means we won't have enough food in the cupboard for our families."*  
(NZNU Organiser, Aug. 1992)

*"Legally we haven't got many rights any more because they can lock out, and they will, some of them. It's really scary for all workers, not just nurses. So a hunger strike is just brilliant."*  
(NZNU Elected Officer, May 1992)

The hunger strike captured the high moral ground from religious and welfare hospital employers. It attracted considerable attention from the media and also from church leaders who had already spoken out against the Employment Contracts Act. Concessions were achieved on eleven points, but employers refused to negotiate further on penal rates. NZNU officials felt unable to accept the employers' final offer on behalf of members, leaving it to members' own choice whether to sign the new contract or remain on their existing terms and conditions under an 'assumed' individual contract under the Act for the duration of their employment.

*"As the bargaining agent we could have signed the contract and everyone who had authorised us would have automatically been covered by it (on majority ratification). We knew that there was so much resistance to it that we felt we had*



*no choice but to refuse it...Our membership would have resigned."*<sup>11</sup>

(NZNU Organiser, Aug. 1992)

Such a situation made NZNU appear ineffective as a bargaining agent. In one hospital a group of nurses, without resigning union membership, paid \$50 per head to a bargaining agent with an Employers Association background. NZNU officials were sure he would be unable to move the employers from their intransigent position.

*"The employer has told us, they don't care who the bargaining agent is, there will be no further negotiations on this contract...(but) The law allows all these bodgies to come in and make money."*

(NZNU Organiser, Aug. 1992)

Similar negotiating problems in another hospital resulted in a double situation for the employer which added to administrative costs. Most existing staff refused to accept a 10% buy-out of their penal rates and remained on existing terms, but new employees were paid 10% higher base rates under the new contract. Staff turnover will eventually result in all employees on new individual contracts with no collective organisation.

Some small employers also took advantage of the Act to change hours of work and cut labour costs. One formerly cooperative owner of three small geriatric hospitals employed a bargaining agent, stopped union deductions and refused to speak directly to the union or to his employees. A few dismissals, then resignations by other nurses, enabled him to achieve a rapid turnover to a majority of new employees.

*"By creating a horrible situation he has speeded it up. He has now got people working for very poor wages and conditions and the Act allows him to do that."*

(NZNU Organiser, Aug. 1992)

When another small employer denied an NZNU organiser access to members, calling in police for trespass, NZNU took the case to the Employment Court. A 56 page decision ruled in favour of NZNU, maintaining that union access guaranteed by the Employment Contracts Act took priority over owners' rights under the Trespass Act. Even with 'urgency' it was six weeks before the case reached the court. During this delay the

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<sup>11</sup> In a similar situation the Northern Distribution Union signed such a contract with a cinema chain employer, then made procedural mistakes in ratification at two cinemas. In late 1992 they were taken to court by some of their own members. The issue was whether, given the procedural mistakes, these members could withdraw their bargaining authorisation so as not to be bound by an collective contract inferior to their current terms and conditions.

employer pressured his staff of mainly Pacific Islands nurse aides, one by one, to sign individual contracts. He dismissed the one registered nurse who refused, as was her right under the Act; NZNU took a personal grievance on her behalf. But by the time the Court established the right of NZNU, and all unions, to approach employees at work, the possibility of collective organisation and negotiations had been lost.

Because of such delays in access to the Court, NZNU officials felt that, far from access to personal grievances procedures being expanded by the Act, in practical terms a legal remedy no longer existed:

*"We are having to avoid taking court action because it is just not viable, not in the interests of anybody. We are probably settling a lot of things that would not have been settled a year ago, a lot of grovelling or that person loses her job."*

(NZNU Organiser, Aug. 1992)

In disputes of interest in negotiations, the Act allowed only industrial action as a possible means of backing employees' position. But increasingly highhanded behaviour from employers, ineffective protection from unjustified dismissal, and high unemployment, even among nurses, mean that NZNU members in private hospitals were unwilling to strike.

*"We have been unable to find a group of nurses to take an employer on at this stage. We think if we had had a industrial dispute in a hospital earlier in the piece, and it had been successful in getting a collective contract, that would have had some effect. Instead we have had to negotiate our way through everything, knowing there is nothing beyond negotiations."*

(NZNU Organiser, Aug. 1992)

Legality in industrial action, in processes of ratification and in giving 14 days' strike notice has an importance for health unions sometimes not fully appreciated. In an essential industry industrial action is more easily blocked by employers through expensive injunctions, court cases and appeals. If the Business Roundtable should be successful in its lobby to bring labour relations under common law (NZBRT/NZEF 1992; Ryan & Walsh 1993), employers would be able to sue for damages for loss of business during strike action.

*"We know that there are employers that would love to take us to court for an illegal strike action and wind us up. That is uppermost in my mind now, under the Employment Contract Act, that if we do anything illegal they will take us to court. (Under common law) being sued for quarter of a million would wipe us off the face of the earth."*

(NZNU Elected Officer, May 1992)

Both NZNU and NZNA officials are conscious of this increased risk but believe the hunger strike demonstrated how repression can breed ingenuity.

*"All sorts of risks now with the Act in terms of taking action, but all that does is make unions a bit more ingenious about how they run the action."*

(NZNA Staff Officer, May 1992)

In this new environment, professionalisation is revealed as a strategy to be measured only by its success. In 1992 contract talks, when NZNU's secretary drew on time honoured arguments about quality care and the professionalism of nursing:

*"They said, you are just a worker like any other, you are no different. That is the first time ever that that has been said to me."* (NZNU Elected Officer, May 1992)

The central goals in NZNU's 1992 negotiations, as for other unions, were to achieve collective contracts and to maintain the overall level of earnings from penal payments, although not necessarily penal time rates themselves. Annual leave and sick leave were reduced to legal minimums in many of its contracts. Because the public and private sector provide different kinds of health care, with different labour demands and shift patterns, the private sector already had a lower penal time bill than in the public sector. Penal rates made up 10%-15% of private hospital nurses' incomes, but around 30% of public sector nurses. Penal earnings were therefore more easily negotiated into new relatively lower base rates, which would give the private sector a considerable labour cost advantage if public health services are put out to contract. NZNU officials attributed much of their negotiating difficulties over collective contracts and penal rates to their employers' wish to position themselves competitively as future public health service providers.

Collective negotiations and penal rates were also the central issues of the 1992 round for NZNA. The issue of collective contracts was decided not by individual nurses nor by employers, but by government dictate. NZNA's national occupational award was broken up into 'enterprise' negotiations by distancing employment by the state to the individual employer responsibility of 14 different Area Health Boards (Hill 1993a). On 25 March the Minister of State Services and of Labour told Area Health Board general managers that there would be no multi-employer contracts, although close consultation with the State Services Commission would be expected:

Expectations are that Boards will achieve progress in a way similar to the reforms recently achieved in the private sector, particularly in regard to greater flexibility in working hours and modification of penal rates. (NZNA 1992)

Drawing on discourse about flexibility and productivity, the Boards set out to lower state labour costs through an concerted attack on penal rates. Despite a continuing belief that a national nursing award underpinned national standards of care, NZNA officials were forced to accept this fragmentation, but tried to maintain a national approach to regional negotiations.

*"35,000 workers across the country, people who have the same qualifications doing the same job, same responsibility and probably performing to the same level but being rewarded differently in different parts of the country."*

(NZNA Elected Officer, July 1992)

The 1992 negotiations of the public sector health unions' lacked the coherence of the previous wage rounds. Their initial suggestion of a 'core' national contract was immediately rejected by the chairperson of the Area Health Boards. For NZNA officials, meetings of the Health Sector Standing Committee of the NZCTU became sessions more for reporting than strategising. The regional variation in contracts and disputes over eight months of negotiations originated with the employers, as did slowness of progress. Area Health Board employers wanted fewer documents, but, to NZNA officials, they seemed to have little appreciation of the time required to negotiate and coordinate existing terms and conditions in each.

The State Services Commission, named as a party to nurses' regional contracts, maintained the government's agenda of removing penal rates. But the 14 Area Health Boards each had their own budget problems and their own formula for renegotiated base rates which lead to 14 quite different contracts. Despite and because of its hardline agenda, the State Services Commission, was seen by NZNA negotiators as a positive, coordinating presence.

*"They kept the SSC in the (Employment Contracts) Bill, because the government still wants to sit at the table."*

(NZNA Organiser, March 1991)

*"We want the SSC in there to apply the reins to the excesses of some of the individual employers."*

(NZNA Staff Officer, May 1992)

The involvement of more nurses in previous award rounds paid off now that contracts were negotiated by regional teams of nurse assessors and local organisers. They were aided by NZNA advocates on an exhausting schedule between one set of negotiations and the next. Although paid leave was granted to assessors by most Boards, preparation sessions, transport, accommodation, meals and other expenses of meetings which ran several days and late into the night made the process very expensive for NZNA, if very revealing to the members involved.

*"We have built up teams in each area...between 5 and 10 assessors and the negotiations are happening in people's own backyards, but it has been a steep learning curve for a lot of people...It actually exposes (the employers) to a large number of workers who can see what real idiots they are."*

(NZNA Elected Officer, May 1992)

As the speed, if not the precise form, of National's health policy agenda for 1993 became clear, a smooth transition of nurses' employment to future institutional forms became an important part of contract negotiations for NZNA officials. An initial difficulty was employer negotiators who both personally and institutionally did not expect to survive the next round of restructuring.

*"At the moment they aren't focusing on anything other than what they can make in savings right now, whereas the union is trying to look at the long term...What else is there for us in this round?...When we raised the transitional process (to Crown Health Enterprises) they say it's not their job, it's someone else's job, the government's job."*

(NZNA Staff Officer, May 1992)

Employer rhetoric about flexibility and productivity angered NZNA officials, since both were achievable without fragmentation of the national award. Wellington Hospital had, for example, demonstrated a 17% productivity increase. NZNA believed flexibility could be achieved both under the existing award and through further negotiations.

*"(Flexibility) only gets focused on hours of work...There are other areas where we can be extremely flexible...The award doesn't have that much in it which is inhibiting, I believe.... If they are going to deal with penal rates we want to look at the whole situation of hours of work and how that impacts."*

(NZNA Staff Officer, May 1992)

In the view of employers, penal rates were an overly complex wage system which inhibited cost predictability. However, any reduction in penal rates was an attack on the earnings of nurses. At Auckland Hospital, for example, only 14% of nurses, including

charge nurses, work daytime hours Monday to Friday; the majority work rotating shifts. NZNA's initial position was that penal payments represented 30% of their members' earnings; officials were prepared to negotiate, but only on a 'cost neutral' basis which did not reduce nurses' overall earnings. Since opportunities for penal earnings were already being eroded by limiting services to week days only, NZNA officials considered that earnings would be better safeguarded by a professional salary for a professional qualification rather than payment for hours worked at ordinary or penal rates. Such a change involved negotiating current penal earnings into a higher base rate, and this was basis of negotiations. However, since shift work has proven adverse effects on both health and social life, there would be additional flat allowances according to the kind of shift - rotating, permanent early or evening, or night - for which nurses would be required to make themselves available.

The variations in outcome stemmed from this incorporation of penal payments into a base rate. Contracts settled in Southland and Otago were criticised by members for a poorly organised ratification process and, inevitably for the first contracts settled, for what they did not achieve. Despite talk of bringing employers and employees closer to negotiate around regional needs, the bargaining stance by employers was harder than in national award rounds:

*"They say they want to get away from old style unionism confrontation and threats. In Otago the first offer was 5% if you settle before the 30th, and every day after that the offer does down - blackmail stuff."* (NZNA Elected Officer, May 1992)

Otago and Southland were the first regions to settle contracts. To compensate for loss of penal rates, nurses in Otago received a 10% increase, and in Southland 14%, plus shift allowances, with a one-off payment for those losing regular penal earnings. This trimmed about 3% off nursing wage budgets and meant a regional pay difference between Southland and Otago staff nurses of about \$200 per year. The employers want charge nurses on individual contracts. The Southland contract excluded them and only clinical charge nurses were covered in Otago, although NZNA continued to press for a separate collective contract. This succeeded in pushing the management/worker divide further down the hospital hierarchy, in line with the increase in management tasks delegated to positions with lower rewards following the decimation of nurse manager positions.

Southland was the only region in which NZNA was not formally recognised as a party to the contract. However, officials felt that a union presence and enforcement of the contract would be maintained through NZNA's well organised delegate structure. In all contracts fee deductions and paid education leave were achieved, both important to effective union organisation.

These issues, and particularly the 3% saving in labour costs, were also on the agenda of other Area Health Boards, although first offers were considerably worse. Northland Area Health Board initially wanted a \$9 million saving on a \$23 million budget, threatening service cuts and job losses if savings were not achieved. Northland nurses called their bluff:

*"They said, If removing our penal rates is the only thing keeping these hospitals open, give us our redundancy and we'll be off!"* (NZNA Organiser, July 1992)

Northland settled on a cost neutral basis with a 7% increase to the base rate and a flat penal allowance. Changes were made to allowances and hours of work, with a time-off-in-lieu option for overtime worked. In other areas, Area Health Boards persisted in using the change to regional negotiations to cut wage costs. In August 1992 Waikato talks broke down over penal rates and were not settled until November. In Bay of Plenty a proposed settlement reached between the Area Health Board and NZNA was rejected by members. Manawatu/Wanganui began to employ casual staff on an 'interim collective contract' with a 6% increase in rates but no penal payments, threatening not to employ again any nurses who did not sign. Under the Employment Contracts Act, nurses' only recourse was industrial action. Through September and October 1992, Taranaki, Canterbury and Wellington, Nelson/Marlborough and Auckland nurses overwhelmingly voted for successive 24 or 48 hour strikes to force progress in negotiations. Pickets and marches were organised with full media coverage. Employers brought in some bureau nurses through the pickets, although NZNU asked its members not to undermine NZNA nurses' strikes.

For the first time NZNA allowed critical care and A&E nurses to join the strikes, organising only emergency standby teams of mainly non-members. The Taranaki Area Health Board threatened its intensive care, neo-natal and A&E nurses with not only court injunctions but

charges of professional misconduct under the Nursing Act. However, this time interim injunctions on grounds of public safety were refused and the Court upheld nurses' right to strike under the Employment Contract Act.

While employers' proposals varied, the main issue for NZNA became achieving a 'cost neutral' alternative to the penal payments which employers were determined to abolish. Officials were prepared to negotiate on minor allowances and on hours of work, provided protections were maintained, such as minimum breaks between shifts or the right to choose or refuse new 10 hour shifts. 'Cost neutrality' pertained to employers' wage budgets, however, not nurses' earnings; there were still nurses whose pay was reduced by the change. At a large Auckland meeting in August it was officials who argued for the shift to a 'professional salary' while nurses on the floor argued angrily for compensation for the stress and disruption of working unsociable hours. NZNA officials presented the meeting with a choice of strike options to be put to a ballot by all members: a 24 hour strike followed by 48 hours the following week, or indefinite strike action. Officials' recommended the first option, which was passed, but around one third of the nurses present were angry enough to opt for indefinite strike action. This clear demonstration of willingness to strike was enough to bring employers back to negotiations on a different tack.

It was proposed that the new pay system incorporate job evaluation and performance pay, a long standing issue. Evaluations had been introduced over the previous few years, and employers were pressing for them to be attached to pay scales. However, in negotiations it became clear that their aim was to trim labour costs, not to ensure a quality service. Even the cost of implementing performance pay would come from the nursing wage budget.

*"We said if you want a performance based system, there are no quotas. If you want excellence in the workplace, then you put in place a system that will enable everybody to achieve that. So that is probably where we will get hung up in the end."*  
(NZNA Elected Officer, July 1992)

In late September nurses refused to ratify a pay package negotiated between the employers and NZNA officials. That is, in contradiction to the ideology behind the Act, the new ratification process was a constraint on officials' ability to compromise rather than



to lead an unwilling membership into industrial action. The contract was rejected partly because of lack of clarity on a number of issues, but also because of dissatisfaction on others, such as the exclusion of senior enrolled nurses from the base rate rise. In addition, the employers had already recruited new nurses on terms rejected by NZNA members. Negotiations resumed.

By late November Auckland nurses were again planning strike action as talks broke down, with employers sticking at a 7.5% increase to the base rate as compensation for penal payments rather than the 10% sought by NZNA negotiators. This would mean a drop of \$8,000 a year for some nurses. Another large Sunday meeting was held, to which, this time, interested members of the public were invited. Ballots showed 97% of nurses in favour of a two day strike, followed by five days the following week. Less media attention was given to the issues under negotiation than to the Neo-Natal Unit babies flown out to other hospitals. Neo-natal nurses in Australia declined to help out New Zealand employers. Strike notice was withdrawn on 16 January when nurses ratified a new offer of a 10% base rate increase, time-and-a-half for weekends, time-and-a-quarter for nights, double time and a day in lieu for public holidays. Charge nurses moved from hourly rates and allowances to a graded salary structure, with an extra payment for those whose earnings over the previous six months had a high penal rate component. It was agreed that there would be no quotas restricting recognition of nurses' skills. This was the 'cost neutral' outcome that NZNA had been seeking, although it would mean a loss of earnings to nurses who worked frequent weekends.

These negotiations, and members' reactions to them, are recounted here in detail as an example of how 'more market' policies in labour relations and health delivery, and the loss of an arbitrated alternative, pushed angry nurses into industrial action, despite moral constraints and professional scruples. Nurses in large public hospitals are arguably the best organised, best strategically placed of the female labour force, highly skilled middle class professional, yet in the new environment it took them eight months and repeated industrial action around the country to defend themselves from a 3% cut in earnings.

*"It is an indictment of our labour relations system that nurses have had to fight for seven and half months and move to the brink of a major strike just to resist budget cuts."*  
(NZNA Organiser, Jan. 1993)

In the 1992 round attempts were made by some Boards to exclude charge nurses from the collective contract as performing a management role. From an understanding of NZNA's history, however, officials considered the continual lowering of the dividing line between management and nurses as counterproductive to management interests as it is likely to strengthen the union stance of nurse employees.

*"It's dumb from an employers' point of view. By excluding them from being part of the collective contract they are excluding people...who would be the leaders."*  
(NZNA Elected Officer, July 1992)

In the 1992 regional negotiations, nurses who would once have been NZNA's leaders were sitting on the employer side of the bargaining table, negotiating against their own professional organisation and, in a few cases, the bargaining agent for their own individual contract, NZNA. Though the nurse manager hierarchy has all but gone, the continuing need for nursing expertise has meant that some nurses were now in management hierarchy positions. In the view of NZNA officials, their presence at negotiations improved employers' understanding of nursing issues. However, other negotiators being used by some Area Health Boards were Employers Federation bargaining agents with no health background.

The 1992 negotiations for public sector nurses implemented the Employment Contracts policy in the state sector. The essential task of the Act was to fragment national awards, introducing wage competition between workers in occupational labour markets. In public sector health this was achieved fragmenting the employer side of the negotiations: the unitary responsibility of the state for employment was devolved to 14 Area Health Boards negotiating separate and differing documents. This fragmented the bargaining power of NZNA as a major health union, despite nurses' professional status and industrial strength (Hill & Du Plessis 1993).

Labour costs were only marginally reduced in the 1992 round, but old patterns both of bargaining and of penal payments for unsociable work hours were broken as the first step in freeing up the state's own labour market in health, with an eye to reducing the fiscal deficit (Hill 1993b). In the 1991 financial year government expenditure on health, adjusted for inflation, had been reduced by \$100 million, with further reductions in 1992 (Kai Tiaki

July 1992:9). Since 1989 government health spending per person dropped by almost 7%. Nurses' defence against the 3% cut to their earnings followed a slow erosion of real wages and staffing levels over five years.

## **The Privatisation of Health**

Running parallel to implementation of National's Employment Contract policy was the development of its plans to restructure health services to introduce market competition in the name of efficiency. State funding was to be split from health service provision, as recommended by the 1988 review (Gibbs 1988), reflecting the neo-liberal economic view that efficiency is achieved through the separation of ownership and management. The 14 Area Health Boards would be reorganised as four Regional Health Authorities (RHAs) which will divide up and contract out current health services, either to present providers reorganised as 23 Crown Health Enterprises (CHEs), or to private sector competitors (Upton 1991).

*"What people say generally is that the public/private demarcation will become blurred. I would go one step further and say it won't be blurred, it will be private."*  
(NZNU Elected Officer, May 1992)

In 1991 an National Interim Provider Board (NIPB) was established, made up of health professionals, health managers and businessmen, and headed by a chairman of the Business Roundtable. Its purpose was to plan and set up the funder RHAs and provider CHEs. Already in 1991 the prospect of competition between public and private hospitals was affecting nurses' ability to resist staffing cuts under hospital restructuring.

*"There was talk about if the hospital wasn't running efficiently by next year they wouldn't be able to compete for services...Either they traded off the principal nurse position or they would lose seven staff nurses...It was awful, they didn't feel it was a trade, it was like blackmail."*  
(NZNA Organiser, June 1992)

The 1992 report of the NIPB formed the basis of the Health and Disability Services Act establishing the new institutional structures and requiring public hospitals to be run as 'successful businesses'. The new framework was to be up and running before the 1993 election, although at November 1992 progress was slower than planned. Should Labour win the election, whatever structure was in place would be retained, on the grounds that

yet another restructuring, even in reverse, was undesirable, but public health services would remain state owned and tax funded.

In the view of NZNA officials, the NIPB report and the legislation were driven by market ideology to the extent of ignoring the very nature of the 'business' concerned. A health driven process would identify health needs, what services would meet these and then what organisational structures would be appropriate.

*"The structure is being created first and considerations about how the country's health needs will be met will apparently have to fit in with that."*

(NZNA Elected Officer, Dominion 15 May 1992)

Under National's health policy, not only was the provision of health care being fragmented to introduce market competition, health consumption was also being individualised. User charges were introduced in February 1992, although takings were considerably below expectation and some charges were later dropped. Nurses collectively refused to participate in charging for services. Extra clerical staff were required, with some hospitals contracting business bureaux to handle the additional clerical work, computing and debt collection. In the longer term this neo-liberal principle of individual health consumption would extend to individual health care plans, allowing people to extract their individual entitlement to public funds and spend it as they chose in the health market. The technicalities of such a plan were uncharted and undebated.

*"You then have to work out the actuarial risks for every individual person who wishes to remove their share of the health fund. It's a logistical nightmare."*

(NZNA Elected Officer, May 1992)

This individualisation of health consumption would ignore collective responsibility for poor health and its social consequences. NZNA officials recognised it as a plan to facilitate privatisation of the health 'industry' at continuing public expense.

*"This would enable private medical insurance companies to become comprehensive health care providers bolstered by funds from the state."*

(NZNA Elected Officer, NZ Herald 3 March 1992)

NZNA had strong professional and health policy disagreements with National's proposal to turn the public health service into a unstable contracting industry, but the labour relations implications were of even greater concern. In public statements, NZNA officials

made connections between the \$10 million National had already spent on health restructuring and employers' penny pinching at contract negotiations. The Auckland Area Health Board's spending on restructuring in 1992 equalled their proposed saving on nurses' wages; nurses were being expected to absorb a 3% cut while a former chairman of the NZ Business Roundtable was being paid \$750 a day to oversee the health changes.

*"Nurses will not accept cuts in their wages to fund the Minister of Health's nightmare."*  
(NZNA Elected Officer, July 1992)

Officials recognised some benefits in recent restructuring, particularly in bringing all health services, public and private, under a centralised administration which could identify and meet health goals. However, they saw most benefits of the change as merely part of the normal progression of critique and improvement of any public service.

*"There are some positive things but mostly they are longstanding problems that ought to have been dealt with long since. They may succeed this time because it is being done in the context of an overall reform of the service. But you don't need to split funders and providers or introduce individual health care plans to do those."*  
(NZNA Elected Officer, May 1992)

As the Auckland negotiations dragged on, employers wanted to take into account the imminent division of the Auckland Area Health Board into three Crown Health Enterprises. NZNA had been concerned to ensure that each regional employment contract provided a smooth transition of nurses's employment to the new CHEs. From 14 regional negotiations in 1992 nurses' collective employment contract will fragment into negotiations with 23 CHEs, plus however many private sector enterprises are successful in securing contracts for health services. In addition to regional differences in 1992, variations in terms and conditions will come as a result of direct local competition between public and private health providers, for whom nurses' wages will be the major cost.

The labour relations effects of such competition for services was already seen in NZNU's negotiating difficulties in 1992. Major private sector health employers tried to resist or simply refused to negotiate collective contracts and pushed down wage costs, despite present profitability, with an eye to competing against public health providers, who had just completed relatively 'cost-neutral' regional collective contracts. In this regard, an NZNU organiser and a NZNA staff member both pointed out that the bargaining agent

advising the NIPB on its future labour relations approach was also acting for the largest private chain of surgical hospitals, Southern Cross, who insisted on individual contracts only for their staff.

This positioning to compete for public health services affected the employment of Plunket nurses by late 1992. Earlier that year a collective contract had been negotiated which at last addressed nurses' caseloads. But from 1993 the Plunket Society's funding would pass to Regional Health Authorities and Plunket would have to tender for the right to provide its own historic service. In November 1992 it announced a 20% reduction in nursing staff. NZNU, nurses and mothers protested against the redundancies, organising petitions and 'Pram Power' rallies in the main centres and demanding that Plunket be properly funded as a 'core' health service.

Collective contracts negotiated by the nurses unions with particular employers, in public or private sector, can do nothing to ensure that those employers will win contracts for services, or that contracts for services once won will be held in future years. Current planning is for contracts for service with a term of one year, renewable. Such a short term of contract reduces service providers' ability to plan, although lack of forward planning was one of most generally supported criticisms of the 1989 Gibbs Report. The ability to terminate is, however, seen by policy makers as the key to improving efficiency through competition. Debate on criteria for termination has included discussion of whether some CHEs should be allowed to fail *'pour encourager les autres'*.

For nurses, employment by contracting health providers will logically also become based on a one year term. This puts the employment security of highly qualified, highly skilled nurses, a key profession for women, in the same casualised situation as women cleaners working for contracting companies (discussed in the next case study), whose industrial problems revolve around employment status on change of contract. While the Minister of Education talks of the need for an educated, skilled workforce, the Minister of Health is undermining the main incentives for achieving education, skill and a middle class job; that is, relative employment security and a reasonable level of reward.

*"In some ways I don't get too angry about all of these things because, while it is bad for workers, it is going to be even worse for the employers because of the*

*backlash that will inevitably come ... It is so unworkable that you are not actually going to be able to run a health service."* (NZNA Elected Officer, May 1992)

## **Conclusion**

The changes described above - the separation and reamalgamation of NZNU and NZNA, and NZNA's own restructuring - were changes in organisational form underpinning a major shift in strategy by nurses. From a historical reliance on professionalisation to improve the status and rewards of nursing, they moved to balance professionalism with a strong industrial stand, in recognition of 'the intertwining of the professional and the industrial' at all levels of nursing work. If, as some nurses feel, there has been some recent neglect of the professional, it has resulted from the need to defend nurses' terms of employment against strong attack by both public and private sector employers.

Although these changes were responses within a changing labour relations framework, their timing does not match legislative changes. The registration of private sector nurses union came 38 years after legislation made it possible; major change within NZNA was well under way before the State Sector Act. To some extent these organisational changes were a response to changes on the employer side of the bargaining table, such as the expansion of private health, the roll back of state and tighten public health budgets. But changes within NZNA began in the early 1980s while public health was still expanding and well funded, if arguably not well managed. The initial impulse for the organisational changes came from nurses' assessments of their own needs and how to meet them.

Professionalisation was an effective strategy, and the protection and furtherance of nurses' professional status continues as a major concern of the new amalgamated Nurses Organisation. But it was not sufficient. By 1980s women's expectations of democratic organisation and responsiveness to individual problems had risen among nurses, as among other union memberships. As labour relations problems became more acute, their expectations of industrial effectiveness grew and with it their willingness to reconsider moral constraints and take action themselves, although the moral dilemma is always present. Nurses had two important advantages over clerical workers: the centrality of their caring work to the enterprise of their employer, private or public, gave

nurses strategic power; and for many of them, workforce concentration on large hospital worksites made collective use of that power logistically possible.

Nurses in the private sector, including a high proportion of unqualified nurses, needed a stronger industrial stance than they felt able to take as part of NZNA. The extent of NZNA's own organisational and strategy changes was not evident at the time of separation. Reamalgamation of the two unions was an appropriate strategic response to health policy changes which will enable the new NZ Nurses Organisation to represent the collective interests of nurses wherever the line between public and private is drawn.

*"The amalgamated organisation has been a long term strategy. A number of organisational steps to position us so that we are responding better, regional expansion, improving our financial management and information systems. I guess our major goal is to keep nurses employed in the health service."*

(NZNA Elected Officer, May 1992)

However, the push to reamalgamate began before the changes in public/private provision of health services became clear. This change too was membership driven, because members themselves believed 'nurses should stick together'. That is, it was a strategy and an organisational form based on a collective occupational identity at a grassroots level, an identity recognised and built on by women officials of both unions.

Traditional professionalism and present unionism are based on both a historic and a current feminist understanding of nursing as a women's profession and of NZNA and NZNU as organisations of almost entirely women members. Feminist unionist issues like sexual harassment and pay equity have been espoused by leaders of both organisations as issues of importance to their members, although with varying degrees of emphasis. NZNU was particularly radical on issues related to women, but the once conservative NZNA was moving slowly in the same direction.

*"I would like to see in 5 years time whether NZNA has reverted back, stayed still or gone forward. I have a feeling it will go forward and become more radical as time goes on, in both a union way and a feminist way. In my opinion, that is good, it is finding its feet."*

(NZNA organiser, Nov. 1990)

In five years from that prediction the fully amalgamated NZ Nurses Organisation will be covering the whole labour market for nursing across a diverse range of employment



situations. It is likely to be a market very much changed by the reorganisation among the employers who provide health services, as well as the state framework for labour relations.

## CHAPTER 9: CLEANERS & CARETAKERS UNIONS amalgamating with the HOTEL & HOSPITAL WORKERS UNIONS into the SERVICE WORKERS UNION OF AOTEAROA

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### Introduction

In this third case study of unions representing cleaners, the concerns of members arise less from the gendered nature of the job than from insecure employment, short hours and low earnings - although these are job characteristics disproportionately experienced by women. Classic union strategies of strike action and pickets have been more appropriate to commercial cleaners than to clerical workers or nurses, since they can disrupt client-contractor relations in a highly competitive industry based on tendering for short term contracts. However, this study shows the importance of centralised bargaining and arbitration to the unionisation and bargaining power of cleaners and other 'secondary' labour market occupations now covered by the amalgamated Service Workers Union of Aotearoa (SWU).

This case study contrasts with the previous two in that it considers a female dominated occupation with predominantly male union leaders. Although around 80% of cleaners are women, the Cleaners & Caretakers Unions (C&C) (with which this research began) and the Hotel & Hospital Workers Unions (H&HW) (with which they amalgamated in 1991) also represented other occupations, including heavily male dominated ones. This resulted in a smaller majority of women members than in the clerical or nurses' unions. Women cleaners continue to be underrepresented in the leadership of their union - a situation criticised since the mid-1970s (NZPSA 1976; Geare, Herd & Howell 1979).

This case study considers the priority given by leaders of these unions to the campaigns raised by feminist unionists. However, the primary focus with regard to feminist unionist strategies is on internal issues of representation for women, Maori and Pacific Island members, and on structural changes to encourage participation and allow issues important to these members to be raised. In this, SWU and its

component unions presented something of a microcosm of the union movement in the mid-1980s, described in Chapter 5. The amalgamation introduced a union which was conservative on women's issues into an organisation in which progress was being made towards 'reflecting the membership' in union decision making processes.

The internal organisation of the new SWU - already mentioned with regard to clerical unions - attempts to allow for the heterogeneity of members' interests while reaping the benefits to survival of increased organisational size - that is, 'the standard problematic of democracy vs bureaucracy' (Offe & Wissenthal 1985:197, 287). The collective interests of women cleaners and clerical workers as minorities within this more diverse organisation will be a matter for future research.

### **Origins, Coverage and Membership**

The cleaners' unions, like the clerical unions, could be described as 'creatures of legislation'. The Cleaners, Caretakers & Lift Attendants Unions were established in 1936, when compulsory union membership was added to the arbitration package. Unionisation gave scattered, parttime cleaners in the private sector access to state procedures for the arbitration of an award. In the mid 1970s C&C gained an award for cleaners employed by the Department of Education, followed by separate awards for cleaners in universities and cleaners employed by contractors in schools.

Like other private sector occupational unions, the C&C unions were originally established, as dictated by the legislation, on the basis of regional Labour Districts. Over most of the period since 1936 the regional unions were Northern, Wellington, Canterbury, Otago and Southland, with the last two amalgamating in 1990. Membership fees supported a secretary, a clerical worker and an office in each region, backed by an elected executive and the biannual general meeting of the membership. Through the 1980s coverage was improved through the use of parttime or shared organisers and offices shared with other unions in Timaru, Palmerston North, Hawkes Bay, Hamilton and, since 1990, Rotorua.

While recruitment, organising and particular disputes of rights were usually regional concerns, the arbitration or negotiation of national awards and their enforcement through the courts were centralising functions, for which the regional unions formed a loose federation. This operated at the level of the secretaries, who maintained a close working relationship, which continues as SWU regional divisional heads with responsibility for cleaners.

Until the mid-1970s institutionalised negotiation allowed C&C officials to deliver annual improvements in wages and conditions with minimal membership participation. With awards fully arbitrated, officials' contact with the membership was limited and responses to members' individual problems were reactive rather than pro-active: it was up to the member to find the union. From 1973 direct award bargaining, backed by access to arbitration, replaced the fully arbitrated system. As the economy tightened in the mid 1970s (Roper 1993a), it became clear to C&C officials that industrial action would be needed to gain annual wage improvements and to enforce the unions' interpretation of award rights. This would require more active involvement of members, and C&C began to employ organising staff.

*"From 1976 to 1986, there was a big learning process...We have had to do in this last 14 years what was not done in the last 41...No one knew the cleaners' union...the status of cleaners was zilch, now they are recognised both in the union movement and in industry as a force to be reckoned with, to be respected and not to be mucked around."*<sup>1</sup>

In 1988 the five regional C&C unions linked up with H&HW unions to form the Service Workers Federation. Because large hotels presented better opportunities for workplace organising than was possible for scattered cleaners, the hotel section of H&HW membership had much older origins than C&C (Roth 1973). A Waitresses & Female Cooks union formed in Auckland in 1890. Hotel workers unions formed in the main centres after IC&A Act definitions were widened in 1900. Membership of hotel unions had been maintained by 'a mild form of coercion and intimidation' by workmates (Roth 1973:124). The 1936 labour reforms enabled the Hotel Unions to expand their coverage, doubling membership between 1935 and 1937, and to register an award for workers doing similar work in hospitals. Not yet quite within the state

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<sup>1</sup> Attributions are omitted in this case study for reasons discussed in Chapter 2, page 36.

sector (Hay 1991), hospitals were about to become an area of rapid employment expansion as Labour implemented its public health service policies in 1938. As mentioned in Chapter 8, H&HW officials attempted to organise nurses in private employment, but NZNA pulled professional rank and political influence to block this. Like C&C, H&HW were regional unions whose national awards and award-enforcing activities were coordinated through a federal structure. Coverage and membership increased with the growth of the private health sector, tourism and the restaurant trade from the early 1970s. More recent expansion has been into areas of service work related to existing coverage, such as home helps.

Until 1992 C&C officials negotiated four national awards covering cleaners, as well as a few minor agreements and composite documents. The NZ Cleaners, Caretakers & Lift Attendants Award was the historic main commercial cleaning award and covered cleaners in both the direct employment of companies whose premises they cleaned and in 'distanced' employment by contractors. The award also covered caretakers and, by the 1980s, just a handful of lift attendants. The NZ Education Service Caretakers & Cleaners Award covered school cleaners, a group about equal in number to the commercial cleaning workforce, and school caretakers. The NZ School Contract Cleaners Award covered schools using contractors. These were mainly large high schools; little primary school cleaning was contracted out at the time of this study. The NZ University Custodians, Caretakers & Cleaners Award covered large well-organised sites, most with direct employment. C&C also covered security officers, whose work was similar to that of caretakers and custodians, under the NZ Watchmen, Security Officers and Patrolmen Award. From the mid 1980s security services had become a growing but increasingly casualised industry, organised in very similar fashion to contract cleaning.

The majority of C&C members were employed under the two main awards for commercial cleaners and school cleaners. From around 1980 the section of the membership in commercial cleaning had risen markedly, doubling, for example, in Canterbury. This enabled the unions to increase staff to organise around disputes and support members. It also allowed an increase in the unions' assets and reserves,

while the sudden membership drop under voluntary unionism in 1984-85 showed how important it was to have something put by.

C&C officials attributed this growth of the membership to the construction of high rise office blocks in the city centres which are cleaned by contractors. It seems likely that this membership growth was in part due to improved union penetration as cleaning employment became more formalised and concentrated under the large known contracting companies which moved into the market in the early 1980s. Membership in most regions peaked around 1986-7, through rationalisation as surplus office space fell empty. The southern cities of Dunedin and Invercargill did not experience the building boom further north and the number of commercial cleaning positions, if not the people in them, was more stable over the decade. Membership numbers fell slightly in 1990-92 as economic activity and overall employment dropped off. From 1988 numbers also fell in C&C's other main area of membership, school cleaners, as budgets tightened under Labour's 'Tomorrow's Schools' policy.

C&C reported official membership numbers to the Department of Labour until 1986 but gave low priority to collecting information about members. Under compulsory unionism, membership lists were based on the three monthly listings of employees supplied by employers. In 1990 suspensory loans from the Union Incentives Scheme Fund enabled lists to be computerised and by 1991 information was being centralised and analysed by the SWF in Wellington.

In commercial cleaning, the turnover of employees is extremely high. Many, particularly students, do not remain in the industry. Others stop and start work, balancing necessity and availability, or shift between companies, by choice or as contracts end. In the early 1980s, at the time of the wage freeze and the move of large overseas companies into contract cleaning (see page 431), membership turnover was estimated to be as high as 70% every three months. In Canterbury:

*"Every three months we were putting in two thousand workers and taking 2000 out. Sometimes they hadn't left the industry but had left Crothalls and gone to work for Diamond White or gone from Diamond White to Berkeley."*

Turnover steadied as the big contractors settled into the market and as people clung to jobs in the deepening recession of the late 1980s. Security work was also an area of high membership turnover, but school cleaning had a relatively stable membership. It provided convenient neighbourhood employment and some members were long term employees who develop a strong sense of identity with and dedication to the school. In 1991 overall C&C membership turnover was estimated to be running at 100%-150% per annum.

The three month lag in receiving lists from employees, coupled with high employment turnover, meant a constant information gap. Mailing lists were always partly out of date. Some invalid names and addresses were those of 'ghost members', who worked to supplement benefits, giving false names and addresses. Others were people who had picked up work and already left again. The Northern membership list of around 10,000, used to mail out the union newspaper, contained only around 8,000 financial members, making the union's financial forecasting uncertain.

*"You really have no final idea of what your membership has been until the end of the year."*

However, some membership analyses were not possible because the relevant questions had simply not been asked. In 1990 the SWF research officer wrote:

The statistics are totally silent on (and affiliates were not asked to generate) data about the following factors which should be crucial in tactical and strategic planning under any circumstances:

- The male/female ratio of members
- The parttime/fulltime ratio of members
- The Pakeha/Maori/Pacific Island ratio of members
- The age distribution of members
- The earnings of members.

With such data we would be in a much better position to determine our priorities, allocate our resources, develop our education and publicity efforts, and generally organise nationally. (SWF 1990:5)

What membership data did provide was information on membership fluctuations, coverage under the various awards and concentration by employer or worksite. A rough breakdown by awards of the Canterbury union membership as at October 1990 was typical of the membership nationally:

Commercial Cleaners award	1400
Educational award	1400
Security	250
University of Canterbury	150
Christchurch City Council	70
School contractors	25-30
Packaging composite	4

In 1990 C&C official membership totalled around 12,500, comprising Otago/ Southland 1,800, Canterbury 3,300, Wellington 6,700 and Northern 8,000. On 14 May 1991, the day before the Employment Contracts Act became law, eleven SWF affiliates amalgamated fully into one national union, the Service Workers Union of Aotearoa, with a total membership of around 69,000. In July 1992 the Southland and COMPASS clerical unions, followed by the Community Services Union, also negotiated amalgamation.

In 1990 80% of the membership of unions affiliated to the SWF were covered by six major awards. The NZ Cleaners & Caretakers award and NZ Education Service award together covered 19% of total SWF membership. H&HW's largest awards were for Tearooms & Restaurants (24.5%), Licensed Hotels (16%), Rest Homes (9%) and public sector Hospital Domestics (8.5%), with another 23% under smaller awards and agreements in hospitality, private sector health and security.

On joining the SWF, then SWU, C&C linked up with workers in similarly low paid, parttime and increasingly casualised occupations. Of SWU's 69,000 total membership on amalgamation, an estimated 30,000 were cleaners or did forms of cleaning work under another occupational labels. Besides other occupations, H&HW covered cleaners in hospitals, both public and private sector; hotel house staff; boarding school cleaners; small numbers of cleaners in hotels and pubs (although contractors were often used to clean the public areas of large hotels); and rest home assistants. H&HW officials were attempting to negotiate an award for home helps who, like resthome assistants, did a mixture of cleaning and support work. Of these, public hospital cleaners and hotel house staff were the cleaning groups with the greatest employment stability and strongest union identification.



As will be seen, there were marked differences in the organising situation and industrial strength of C&C's and H&HW's different groups of cleaning workers. However, demographic characteristics were similar: both groups of cleaners were overwhelmingly female; the racial mix reflected social stratification. The social status and socio-economic profile of cleaners is both precondition and outcome of their labour market position.

### Who Cleans New Zealand?

Cleaning work is heavily female dominated and this was reflected in the membership composition of the unions. Around 75% of C&C members, but over 80% of cleaners, were women. Over 90% of H&HW's hospital cleaners were women. Amalgamation gave SWU a membership more than 80% female. Recognition of this fact, its possibilities as well as its constraints, had relatively recently been incorporated into the thinking of the predominantly male leadership of the unions:

*"The guts of the membership is in fact women and the guts of the membership is where the strength lies."*

A horizontal gender division of labour can be discerned between cleaner and caretaker or custodian, which was reflected in C&C's coverage and membership. The male proportion of the membership was concentrated in security work and in the occupation of caretaker or custodian. Security work is extremely male dominated and organisers suggested that uniforms and authority may be an attraction of the occupation, despite its very low paid and increasing on-call and casualised employment. However, a few women are moving into caretaking jobs in schools.

*"About 5 years ago I met a female caretaker, the first one I'd ever met, from Auckland, a lovely feminine woman she was too. Fixed locks, replaced glass and did all the things a caretaker did, that was a real eye-opener for me."*

Supervising can provide women with an opportunity for advancement. It is possible for a handful of women to move up a short career ladder into management in the large contracting companies, from cleaner to supervisor, then manager, and a few women set up as small contractors. From C&C's point of view, some of these ex-members made 'the worst kind of bosses':

*"They know the union, they know its weaknesses as well as its strengths, and they know the industry. If they take some pimply kid out of a university, we can walk all over him. But these women have been through it all."*

However, where worksites were large enough to require cleaning supervisors, there was often vertical segregation. In Otago/ Southland at least:

*"98% of our cleaners' supervisors are men."*

In the last round of research interviews in 1992, women organisers from two different regions perceived an increase in the number of men they were encountering in cleaning work. No membership figures were yet available to confirm this, although labour market statistics for 1991 indicated a small increase of males in parttime work. Particularly noticeable to organisers was the presence of older men, former managers, in cleaning supervisor positions.

*"They are always apologetic about being cleaners, go to great lengths to tell you about their experience as a manager and always give you the employer's side of whatever your dispute is. 'I have been a manager and I know.'"*

Generally, cleaners were women with dependent children or were older women. The small proportion of male cleaners in parttime jobs were likely to be students or semi-retired. Men were more likely to be in the few cleaning jobs which provided longer hours: cleaning supermarkets with a 4 am start or all-night jobs in commercial cleaning. Different types of cleaning also exhibited segregation by gender. Men were typically hired for daytime factory cleaning or to clean machinery. For historical reasons, these jobs were sometimes covered by other unions.

*"Car cleaning is Engineers, so is cleaning bicycles in cycle shops. If it touches metal it's engineering...The other thing to realise is, if it is high paid it is male, whatever kind of cleaning it is. It is not considered beneath their dignity if it is \$11 an hour, as it used to be in Pacific Tyres."*

At Pacific Tyres, Wellington, and Cadbury's, Dunedin, men working daytime shifts cleaning on the factory floor were employed directly (and participated in Pacific Tyres' bonus scheme), while the women cleaning the offices at night worked for contractors. This pattern of segregation into suitably 'masculine' and 'feminine' cleaning was reflected in one contracting company which cleaned ships coming into Dunedin harbour. Its cleaning gang comprised men to clean the engine rooms and women to clean the galley and the cabins.

Working in a low status, low skill, female dominated occupation, the cleaners in both C&C and H&HW memberships illustrated the racial nature of New Zealand's social stratification and reflected the racial geography of the country. Pacific Island women made up a significant portion of both memberships. Precise membership data on ethnicity was not available, because it had not been sought or because it was reluctantly supplied. Only 10% of members answered the race question on H&HW's recruitment form.

*"People are very nervous with the downturn in the economy, they don't want to give anything away that might be used against them."*

However, experiential knowledge was available. Organisers reported that Pacific Islanders dominated contract cleaning and hospital cleaning in Auckland and Wellington. Northern C&C officials estimated that 65% of its members were women and of those 75% would be Pacific Islanders. The Wellington union estimated that around 80% of its contract cleaning members were Pacific Islanders. School cleaners, however, tended to be local residents and were therefore Pakeha in most areas. There was a similar finely differentiated social pattern in hospital cleaning and kitchen work covered by H&HW. Organisers reported that at North Shore Hospital around 60% of cleaners were Pakeha, followed by Maori as the next largest group, then Pacific Islanders; while at Auckland Hospital they were 80% Pacific Island women, then Maori, with few Pakeha. In Wellington hospitals around 60% of cleaners were Pacific Islanders and 20% Maori. As discussed later, organisers had been quicker to recognise and build on this feature of membership than had union strategisers.

The feature which most distinguished the employment of cleaners from clerical workers and nurses was the hours of work. For many women with family responsibilities the first decision that affects choice of employment is the hours to be worked, rather than the particular occupation. This is the factor that accounts for the tendency of women to drop in pay and skill level on re-entry into the workforce after childbirth (SROW 1984).

*"You find some very skilled and able women doing cleaning jobs, but they can't get clerical work or whatever at 6 o'clock at night."*

Cleaning is almost by definition a parttime occupation, usually performed in the evening or early morning. It is frequently sought by women because its hours of work give them access to earnings without interfering with the traditional pattern and time schedule of women's domestic and childcare duties (Barnes 1981). Some women work longer exhausting night hours with little change in their daytime domestic workload (Barnes 1981). School cleaning has the additional advantage of leaving women free during school holidays.

In 1990 SWF's researcher estimated that at least 85% of its commercial cleaning jobs were parttime, with members averaging 12.5 hours work a week. For this reason a flat C&C union fee for all cleaners replaced an earlier stepped fee, unless less than 5 hours were worked. Small numbers worked fulltime day shifts in factories and airports, or in 6-7 hour all-night shifts in commercial cleaning, with a \$3 night allowance. School cleaning was also normally three hours in the early evening, but schools hiring out their premises to balance budgets were shifting cleaning to late night hours. Shop and supermarkets cleaners often worked in the very early morning. Parttime employment among H&HW's hospital cleaners varied by region, but generally hours were longer. In Auckland public hospitals, the majority were fulltime, working 7.30 to 4 pm. In Wellington 80% were parttime, but their daytime shifts were usually 4, 5 or 6 hours, with smaller numbers working 2-3 hours nighttime shifts.

In order to earn enough income from short hours, some cleaners combined two or even three jobs for more than one employer.

*"People work some extraordinary hours, like cleaning supermarkets between 2 and 5 or 6 in the morning, then going home and going out again at 5 or 6 o'clock at night on another cleaning site."*

*"One woman on the women's committee (of the SWF) does 11 hours a day at three different cleaning jobs, 55 hours a week. She makes about \$350 (net)."*

In early 1991 Northern C&C conducted interview research which focused not only on obtaining a better demographic profile of its membership but information on the economic and family situation of women in cleaning work. They asked about childcare arrangements, and the number of employed or unemployed adults in the household. The aim was to dispel 'pin money' assumptions about women in low paid parttime

work and to highlight the vital importance of their earnings, not only to themselves but to others they helped support:

*"To get past some misconceptions about night cleaners...A lot of people don't realise how many cleaners are earning the single income for their family."*

This view was shared by those organising women in hotel and hospital work in Canterbury:

*"That was the single biggest change that I observed as an organiser from 1984 through to last year. A number of people used to say, it's just for a bit of extra, a trip overseas or a new lounge suite. They had a very specific goal or reason for being there...money for jam, we used to call it. That has completely gone, they are not talking in those terms. They are there now to balance the family budget. They need that money."*

## **Voluntary Unionism**

During the 1984-85 period of voluntary unionism, C&C received few resignations, but in the first six months membership dropped just over 20%. Cleaners appear not to have been as alienated from unionism as clerical workers, however. As the onus of recruitment shifted from employers to unions from 1985, the problem was the logistics of signing up new members, given high employment turnover on dispersed worksites which did not have delegates. When approached, however, recruitment was generally successful, with high recognition of a need to belong to the union.

*"We did a lot of preparation for it, we spent in that particular year something like \$78,000 just on that campaign alone, in preparation and recruitment."*

Whereas under earlier forms of 'unqualified preference', employers effectively signed up members for the union on hiring, from 1985 there were longer gaps before new employees became paid-up members. With high turnover, Northern estimates that this was the main factor in a 15% loss of finance in a year.

*"But it was simply a matter of catching up. We had very little refusal."*

It was not always the newly hired cleaner herself who saw the need for union membership:

*"I had a refusal one place but the 20 workers just sat on their butts and said you either join or we aren't working with you...no matter what the Act says."*

However, this kind of peer pressure was discouraged by the untested application of the 'undue influence' provision in the legislation, which could result in a \$1,000 fine. This uncertainty initially acted against delegate recruitment or even self-recruitment.

*"The workers couldn't get together with other workers because one might be influencing the other. Because what's undue influence? It's got a thousand meanings...Someone would ring up the union to say they want to join but not want to give their name, terrified of this fine."*

Since the National government had frozen wages, officials could do little for their members at that time. The greatest membership losses were in contract cleaning where labour turnover was highest. Canterbury officials estimated about three-quarters of their loss was in that area. In early 1984 Canterbury was \$26,000 overdrawn and had a meeting which decided to dissolve the union's operations within three months, before it became clear that an imminent change of government would resolve the situation.

Some employers took advantage of the Amendment legislating voluntary unionism by immediately stopping the transfer of outstanding union fees from current members. Union fees deducted from weekly or fortnightly wages were extremely important to unions in high turnover industries, but returns were only required to be made every three months. Around a third of the union's income was outstanding at all times, paid by members but held by employers.

*"They said, you have to recruit them. I said, never mind that rubbish, you still owe us, it should go down gradually, not all at once. I was right, we clawed back about \$30,000 off the cheats."*

This three month lag made it difficult to predict, on the basis of the earlier experience, how the Employment Contracts Act would impact on membership levels. Although unionism became voluntary, awards containing compulsory membership clauses continued in force until their expiry date. Most cleaning employers continued to deduct union fees. In 1991 only very small numbers of resignations were received, and organisers contacted those members personally. For that year at least both members and employers seemed to consider the existing system as unchanged.

*"Most members have stayed on, it is just a matter of getting them to fill in the few forms that are required, stating that they are electing us as their bargaining agent."*

On previous experience, voluntary unionism was expected to eventually lead to at least a 20% drop in membership.

*"The reality is that we have quite a lot of members who do not wish to belong to the union. If it is voluntary they will choose not to."*

*"There is a whole generation of people who have grown up with compulsory unionism, and with all the benefits that unions have won over the years, as just something that they take for granted. A significant percentage of that generation will see voluntary unionism as just a chance to save \$2-3 a week, until they realise what a union can provide."*

*"People will have to make a choice at some stage about whether they want to be unionised workers nor not. I think unfortunately that we'll have to learn the hard way."*

The expectation of a return to voluntary unionism, under whichever party became the government after the 1990 election, prompted a change to a more pro-active strategy with regard to C&C members from the late 1980s. This change lagged considerably behind similar moves in many other unions - particularly, the clerical unions, whose members had actively expressed dissatisfaction with compulsory union membership ten years earlier. First the Wellington union, then the other regions hired organisers to visit workplaces and service members. Officials recognised that organisational viability would be affected by voluntary unionism unless there was a greater focus on the membership.

*"If you don't get out and (organise) your membership says, why should I be a member, I never see an organiser."*

However, under the full labour market deregulation of the Employment Contracts Act, officials recognised that the crucial factor in union survival would be employers' willingness to negotiate collective contracts. Officials set about restructuring their organisation to operate on 60% of 1990 revenue from membership without loss of services or ability to recruit. The need for a streamlined organisation was the rationale for amalgamation into the SWU. However, the particular nature of the contract cleaning industry and the state's ultimate political responsibility for schools made C&C's situation less immediately predictable than for other industrially weak, female dominated unions.

## The Cleaners' Unions and Employers

Both C&C and H&HW were registered under the IC&A Act as private sector unions, with most of their membership in private employment. However, important sections of both unions' membership were employed by the state, and officials negotiated determinations for these members under the public service framework for labour relations. Although two distinct systems of regulation and bargaining operated until 1988, just who negotiated for whom was historically contingent on the shifting line between private and state service provisions, the adoption of formal arbitration in state sector wage setting, and the prejudices of professional associations representing members in wage negotiations.

The state as employer was also important for C&C and H&H because, until the legislative changes of 1987 and 1988, rates and conditions in the state sector could influence private sector award negotiations through the traditional recognition of relativities between occupations. The importance of this state connection to the negotiating strategies of C&C and H&HW officials is explored later.

As with the unions already examined, C&C and H&HW covered groups of workers in quite different organising situations. As well as differences in the kind of cleaning, those situations reflected the changing situation of employers in both private and public sectors.

Nationally, around 10% of C&C members were directly employed on **factory** or similar sites: that is, on large sites working daytime hours alongside people in other occupations. These were the cleaning jobs most likely to be fulltime and most likely to be filled by men. A majority of these cleaners were on large industrial sites, which were well organised in each of the regions. Following the Labour Relations Act, 1987, some of these cleaners were included in composite industry or enterprise agreements, with the occupational union representation its members in the negotiations and continued to service them under the agreement. Examples are the composite documents for the packaging industry and for Pacific Tyres. Under the NZCTU (1989a) plan it was suggested that all such members be shifted to industry based



collective agreements. However, the manufacturing unions which dominate these sites met a problem in the relatively high rate C&C officials had achieved through state parity in 1986, giving an increase after the wage freeze just in excess of 30%.

*"Until 1986, there were a lot of people in the Engineers or Printers Union with rates of pay as a handyperson, but who should really have been in the cleaners' union, the coverage was ours...When the 1986 decision came out, they suddenly said, well, I'm a cleaner. They came and found us."*

The C&C award contained a flat hourly rate for the job, without youth rates or skill increments, which was around 95% of the core trades rates and \$1 an hour higher than rates for process workers. In 1990 the Engineers Union developed a strategy of negotiating programmes for comprehensive training and internal labour market career paths, which involved margins between unskilled rates and core trades rates. C&C officials felt this would eventuate in relative pay decreases for cleaners in industry agreements, since cleaners' current rate did not conform to the pattern being negotiated. Beyond that, they found the concept of a career path inappropriate to cleaning work, since it was the effort and unpleasant conditions of cleaning work which were rewarded, rather than skill. However, they were very conscious that levels of reward were determined by what could be negotiated, by whatever legal, industrial or bargaining means were at unions' disposal.

Besides factories, there were other large sites on which C&C members were directly employed, already covered by industry or enterprise documents for cleaners outside the main award. Examples are city councils and airports. City council cleaners' wages and conditions were negotiated under separate composite documents covering other council workers. In 1990 industry-based bargaining was being considered by NZCTU and Engineers officials for the airports, as taking best advantage of their strategic position in the infrastructure; this would incorporate the documents already covering cleaners and clerical workers. A threat to job security which undermined C&C's negotiating position on this was the possibility that cleaning work would be contracted out, as was already occurring with airline catering.

C&C's commercial cleaning award covered both cleaners employed directly to clean the premises of their employer and cleaners employed by **cleaning contractors** to

clean the premises of clients. This distanced form of employment had expanded greatly since the 1970s and was now the situation of the majority of C&C's members under the main award. Small contract cleaning companies had operated in New Zealand since the 1940s. However, it was in the early 1980s that large multinational contract cleaning companies elbowed their way into the New Zealand market.

*"(The change) was plagued with sackings and intimidations, physical assault on delegates, vehicles being damaged. Anything that involved the union, that was the way they were going to play it."*

Once their market position was secure, the large companies no longer needed such tactics. They became reasonable employers, interested in protecting their market reputation for quality and reliable service. A few large multinational companies operated ostensibly competing subsidiaries under a number of names, with the ownership of parent companies overseas constantly changing through mergers and takeovers. Five major players, through various subsidiaries, held around 75% of all contracts, with most of the rest held by medium sized New Zealand companies.

*"You look up the Yellow Pages for cleaning, they are all listed separately but they are all under the control of one organisation."*

*"Some large companies like Crothalls, it's very hard to keep up on who owns them. Their latest owner is comprised of the Australian giant P&O, a French water supply company Lyonnaise des Eaux who have a shocking name in Europe as employers, and a West Australian superannuation fund."*

H&HW also has a relationship with these big contract cleaning companies, who moved into some hospitals in the early 1980s and compete to clean public areas in larger hotels. One overseas ownership consortium which controls major contract cleaning competitors in the private sector also owns a company contracting for health sector cleaning and a catering company which has ambitions in the public health sector.

*"Their profit is a percentage of the total contract so big hospital contracts are quite lucrative...You can take a 5% return on a million dollar contract and still get heaps for very little outlay."*

From the mid 1980s H&HW has been opposing the extension of contracting out by hospitals, which brings job losses and cuts in members' hours of work. As government policy favours the increasing privatisation of health care, these companies were lobbying Area Health Boards to increase the contracting out of cleaning and also

catering. The H&HW newspaper Shift (Dec.1990) described a Healthserv feasibility study for cook-chill methods in hospitals as 'like the fox designing the chicken coop.' At the time of study H&HW officials had been largely successful in combating contracting and most hospitals employed directly. In 1990 the Swedish multinational Electrolux lost its contracts in two Taranaki hospitals, which reemployed the contractor's cleaners directly. The only large public hospitals which were contracting out were Wellington, Hutt and Waikato Hospitals, who had resisted union pressure to revert to direct employment because of the initial capital outlay which would be required.

*"Auckland Hospital has no contract cleaners at all. Used to have but the cleaners went on strike for six weeks to get rid of them, four years ago...They wanted to be directly employed again."*

This success was due to the way the award system worked. The national award with blanket coverage set minimum wage rates and conditions for all cleaners whether under direct or contracted employment. The H&HW award had a clause requiring the employer to negotiate with the union over changes to hours of work, which also applied to contractors. This meant the cost savings achievable by hospitals through contracting out were quite limited under the traditional system of bargaining by occupation.

In Britain where contractors were free to pay rates outside the protections of local authority wage negotiations, government policy under Margaret Thatcher forced local councils to put out to tender services such as cleaning in schools, public buildings, hospitals and other local government facilities. This led to a competitive downward spiral of wages and cleaning standards (Coyle 1985). In April 1990 a British unionist visiting New Zealand brought documentation and further warnings from the British experience. Disruptions and falling standards had led some councils to revert to direct employment or to form companies in order to comply with the tendering requirement in legislation controlling local authorities.

After the early 1980s most large contracting companies settled into a cooperative working relationship with the unions, deducing fees automatically and respecting union representation. A greater problem for union organisation were small contractors with

just a few employees. While big firms follow procedures, have offices and return phone calls, such small employers are harder to track down.

*"The worst employers are the small tin-pot contractors... Often a couple setting up who don't have a clue what to do, underpay and cause a lot of problems. Often young men going into it and the way they treat their staff is appalling."*

*"The cleaning industry is full of mad people, mad men... constantly shifting office, it's like a little underworld... They are dodgy. You slap a back pay order on them so they wind the company up and it will resurface under a different name with different directors."*

Capital expenditure in commercial cleaning is low, so entry into the industry as an employer is relatively easy. The lowest tender wins the contract. Costs are almost entirely for labour, so profits are increased by reducing labour costs.

However, while hourly rates were set by national awards with blanket coverage of all employers, costs could only be reduced by trimming hours, reducing overheads or lowering quality. Since cost differences between direct hiring or various contracts were minimal, companies had to compete on quality as well as cost.

*"We get a lot of companies ring us up and ask, what's so-and-so's commercial cleaning like?"*

Once established in New Zealand, the multinational contractors were able to maintain their market position because of their market position; that is, they could afford narrow profit margins because their company overheads and profitability were spread over a large number of large contracts. They could afford to bid low on a contract for the first couple of years to ensure they got a foot in the door, while pushing smaller companies out of the market. However, continuing cutthroat competition on the basis of labour costs was averted by the blanket coverage of all employers by the national award. The award set a rate for labour so that cleaners did not undercut each other in competition in the labour market - the essence of unionism - but also placed a floor under competition between contractors in the market for cleaning services. The security and quality of the contract cleaning industry was as much built on the national award system as was the wage security of their employees.

*"They are shit scared of the national award going because of the ability of anybody to go out and a bucket and mop, Mr and Mrs Smith, knock on the door and say, well, we'll do it for \$6 an hour...It took us a long time to educate*

*the contract cleaning employers, they have suddenly come to realise that a national award is something they need as much as our members need it. It is the only leveller in the tendering system."*

*"The big contractors always have problems with family businesses, rugby teams who want to do some cleaning for six months. They can't compete against voluntary labour, they rely on a minimum rate."*

Sharp competition between companies continues, however, to maintain profitability within the narrow margin between award protected labour costs, on the one hand, and competitive pricing on tenders for contracts, on the other. In this situation, the relationship between employers and union becomes complex, almost bizarre, as contractors use the union to keep competitors in line, and keep the industry on an even keel.

*"The union is the policeman of the industry."*

*"They will ring us up and tell us if they suspect anyone's not (complying with the award), they dob each other in all the time...A very funny relationship. One moment we are being quite aggressive to each other, then it will all be quite nice because somebody wants something."*

The nature of the tendering system creates possibilities for the union. While contractors shop competitors to the union, C&C officials can shop the contractor to the client. Clients want a cheap job done, but they do not want disruptions to cleaning services, or bad publicity and possibly pickets outside their building about industrial disputes that are not of their making.

*"Recently an employer was being difficult about paying someone's final wages, she was going back to the Islands and wanted her money. So we rang the client and told him what sort of people were responsible for cleaning his building."*

*"You have to work within that tendering system. This union has learned to exploit it. Because it is such a cut-throat industry, that is a strength for us, we can put the pressure on clients, on the cleaning contract, and the contractor gets very twitchy."*

This situation provided commercial cleaners with industrial leverage which was not available to clerical workers whose service is provided directly to their own employer. As shown in the last chapter, nurses' 'client' relationship with the patient gives them similar leverage which their unions use well. Nurses' disputes attract a public support

which puts pressure on the employer, in both private and public health services. However, C&C officials were able to use leverage through the client to ensure their rights on a much more daily basis because of the way the commercial cleaning industry involves continual tendering for short term contracts.

However, short term contracts also mean insecurity and possible loss of employment. Most of C&C's disputes occurred around the time contracts changed hands. Officials' first argument was that the contract of employment between contractor and cleaner bore no relationship to the contract between contractor and client: they were two separate issues. The cleaner took the job in good faith and should be entitled to security of employment like any other employee, unless there were justifiable reasons for dismissal. When a contract ended, cleaners should be deployed elsewhere. This frequently occurred, but the situation could provide employers with an opportunity to dispense with less satisfactory or more union-minded employees.

*"When there are high levels of unemployment, insecurity is quite a nice little feature for an employer to encourage."*

Officials' fall-back position was that the cleaner was experienced in the work on that particular worksite, had given no grounds for dismissal and was entitled to continue in her job. Therefore the new contractor should take over the existing staff on the job, with no loss of hours or other disadvantage to them. Pressure to do so could be applied through the client before the new contract was settled.

*"We tell the clients, if the new contractor doesn't agree to take these cleaners on, you should be aware that there will be no cleaning done in your building until the matter is resolved...Once a new contractor gets in, we are finished, so we have to deal with it before."*

The margin between competitive tendering by employers and the labour market floor of rates and conditions centrally negotiated between C&C and the Master Cleaners Association was tight. Between the two was the mix of hours of employment and workloads. Through the late 1980s cleaners came under increasing pressure from contractors seeking to trim hours and intensify workloads and had to resist encroachments on their conditions of work and employment levels. Individual problems, small disputes and larger industrial action all arose from this.

*"All the problems are in the nature of the industry because of the tendering system. It is the most obvious example of exploitation of labour, you can just see it. People face hassles all the time so they are going to want help with those."*

C&C's second largest membership group was cleaners employed in schools; in fact, together with caretakers, **school cleaners** slightly outnumbered members in commercial cleaning. A typical primary school might employ a caretaker and ten cleaners, two of them males. Some cleaners might only work a day or two or a few hours each week; others more. Until 1992, the Education Service Award set rates and conditions for all directly employed school cleaners. Most primary schools employed their own cleaners; the unions, particularly in the South Island, had been successful in keeping out contractors. Some large secondary schools, however, whose larger cleaning staffs required greater management, were cleaned by contractors and covered by the School Contract Cleaners Award.

Although the cleaning workforce was scattered across a large number of school sites, for negotiating purposes school cleaners were concentrated by their single employer, the Department of Education. Before 1988 the Education Service Award, like other state sector documents, was negotiated with relative ease, with relatively 'soft', cooperative relations between officials and state negotiators and reliance on arbitrated relativities.

*"I'm not being disrespectful because they have been in a number of scraps, but they have never had the experience that the private sector have had. To a large degree...what is in that school document was won by people in the private industry, they set the tone. They are the people that did the battle."*

The State Services Act, 1988 removed traditional linkages between public and private sector. C&C's negotiating strategy of arguing the worth of each of its industrial groups against the others was no longer possible in either sector. In 1989 NZ Cleaners & Caretakers award rate was raised 4.5% and in the past this would have flowed on to the Education Service document. However, the State Service Commission, as negotiator, resisted this unless certain drawbacks on conditions were agreed to, and the wage rates of school cleaners fell slightly behind rates in the commercial award.

Labour's 1998 'Tomorrow's Schools' policy shifted aspects of employer responsibility for cleaners, caretakers and grounds-people to the Board of Trustees of each school by shifting the funding of labour costs to the school's 'bulk funded' Operations Grant. This was part of a plan for the devolution of state responsibility to 'self-managed' schools (Lange 1988; NZ Taskforce 1988). While the SSC continued to negotiate national wage rates and conditions with C&C, the number of cleaners, their hours and workloads were now set by 'self-managing' Boards of Trustees and principals. The hiring, firing and daily management of cleaners often became the responsibility of a Board's Executive Officer.

*"Some boards are good and treat their cleaners like people, equals...Others want to save money, or want the great adventure of spending all this money on things for our children for a better education and forget that they need a clean environment to teach them in."*

*"Parents suddenly find themselves in the position of employing people. Some become very dictatorial, watch over the cleaners, threaten them and sack them left, right and centre. They don't know anything about industrial law and don't bother to find out."*

Operations Grants were based on the student population of the school. As Boards of Trustees and principals juggled cleaning labour costs against other expenditure priorities to be funded from the Operations Grant, cleaners' hours were reduced, workloads tightened and overall employment numbers fell. As officials saw it, the wage bill for cleaners and other ancillary workers invited attack simply because it was the largest item in the Operations budget.

*"People on \$70,000 a year, normally school principals, say budget problems, the people down below have got to be cut."*

Since wage rates were set by the award, labour costs could only be reduced by trimming hours of work or by distancing the whole problem of cleaning, its management and employment difficulties by bringing in contractors, who were targetting school boards with promotional material and promises of lower costs.

*"The threat of contractors is a real threat...They want to lower the allocation of time for cleaning and they've said if you don't do that we are going to have budget problems and we'll have to bring contractors in."*

C&C officials argued that, despite possibly greater management experience, contractors were unlikely to be more cost effective because the school would carry the



cost of a profit margin. The price of cost competition would be a drop in standards. In the past, a number of schools had contracted out, then returned to direct employment. For the cleaners themselves, contracting out would mean loss of work hours and income, and greater job insecurity; they are prepared to negotiate or to take industrial action to keep contractors out.

Whether employers squeezed hours directly or via a contractor, in the view of officials, the effect of a drop in standards would be exponential. Clean surfaces in newer or well maintained schools are easier to reclean and good cleaning standards are part of ongoing maintenance. A well maintained environment is respected by the children, with misuse more easily noticed and discouraged by teachers, and is part of a good learning environment.

*"Kids treat it according to the state that it is in. It's like wallpaper, if a bit is loose, someone is sure to pull it off...Students need a healthy fresh environment to learn in and if you drop the standards you not only add extra costs to maintenance, but also teachers will have a rougher job teaching the kids to the standard that sets them up for the next step."*

*"Kids are getting a good education and a filthy school."*

As hours of employment were trimmed and workloads increased, membership turnover among school cleaners in 1990 was the highest that C&C had experienced. Overall numbers of school cleaners fell. After the Employment Contracts Act was passed, pressure began to mount for 'enterprise' bargaining to be extended to individual schools as part of 'self-management'. Officials foresaw that pressure would be put on cleaners' hourly rates as school budgets tightened.

*"If ever there was a need for unions, it's now. The workers out there in education know that."*

**Universities** also employ large numbers of cleaners and custodians, under a separate national award. While most employed direct, Auckland university had several contractors cleaning different sections of the university as well as direct employees.

H&HW also covered a small group of school cleaners. In 1977 an award for **cleaners in boarding schools** was granted to H&HW, with boarding schools categorised as accommodation rather than educational establishments. The award had been resisted

by employers, who argued that cleaning privately owned boarding school accommodation was no different from cleaning a private home and was therefore excluded from regulation by the state. The 'employer' was usually a separate board of trustees from the school board which employed evening cleaners in the school itself. Although this split in coverage between C&C and H&HW was mentioned as a reason for amalgamation, there was little scope for rationalisation of organiser effort since hours of work and employers differed. Nevertheless, officials had worked closely together in the past in arguing wage parity between the cleaners before the Arbitration Court.

**Hospital cleaning**, covered by H&HW unions, presents a quite different organising and employment situation for cleaners, particularly on the large worksites of public hospitals. Because of the importance of particular work hours to women seeking cleaning jobs, union officials considered that there was little cross-over of cleaning personnel between the areas organised by C&C and by H&HW. H&HW organisers believed their members, in public hospitals at least, identified as health sector workers as much as cleaners. Since the State Sector Act, 1988, H&HW had worked closely with the PSA and Nurses Association, as public health unions were pushed by budget cuts and the legislative changes into taking a stronger industrial stance. Strategies were coordinated, settlements linked and industrial action taken jointly. In the context of combined strategies for health workers, however, identity as cleaners was likely to be how cleaners distinguished and highlighted their own situation and needs.

The health budget cuts and management restructuring in public hospitals described in Chapter 8 affected the employment situation of cleaners no less than that of nurses. Employment relations and negotiating was centralised and formalised by hospital bureaucratic structures, but constant restructuring had affected cleaning staff numbers.

*"They are at the bottom on the pile, they are the first attacked when the pressure is on. Instead of attacking people who cost them \$80 an hour, they attack people who cost them \$8 an hour."*

With management focused on cost efficiency, there had been not only workload intensification but shortcutting on standards.

*"They have been doing it for years and some young male manager will come in and tell them how to do their job more efficiently. I have observed some older women mortally offended at being told that the way you clean a ward is*

*to spot clean one side one day and do the other side thoroughly, then swap the next day."*

The Management of Change clauses gained in the 1989 award settlement allowed H&HW closer involvement in workplace matters. Organisers and delegates could come together with management and members of other health unions to look at systems and proposed changes at an earlier stage, rather than reacting with industrial action to decisions of management which frequently led to staff cuts. Like NZNA, H&HW officials had few illusions about this.

*"We have always seen the advances made in the industrial democracy clauses as a tool to try and increase workers' control over the work process. We have never seen them in terms of high flown ideas about workers and National walking hand in hand into the sunset."*

In private sector hospitals, the situation of H&HW's members paralleled that of NZNU's nurses. Despite growth and profitability in private sector health, award rates and conditions were worse than in public hospitals. Although there was variation between large and small private hospitals, and between religious and welfare hospitals and those owned by entrepreneurs or insurance companies, workplace relations and negotiation around the labour process were also worse,

*"There is a vast difference. The private is really cut-throat, workers do as they are bloody told, when they are told, how they are told...One psychogeriatric private hospital is making cleaners mop a floor with no detergents, because he has decided that is good enough, he knows best."*

In small establishments in particular, the demarcation lines between domestic jobs, and even with nursing, are blurred. As with examples discussed in Chapter 8, disputes about demarcation are usually about changes made by the employer, which H&HW cooperates with the nurses' unions to resist, rather than disputes between unions about coverage. As one official saw it, nursing's professionalisation strategy in public hospitals has had the effect over time of opening up work for H&HW members.

*"Nurses are their own worst enemy, they are fools to give away hands-on nursing. They have given the mucky bits to domestics and cleaners, they have given away part of their jobs...It is nurses who decide what is nursing and leave the rest to cleaners, it's not cleaners who decide."*

In a 'Three in One' campaign in 1987, H&HW negotiators had tried to amalgamate negotiations for domestic workers in public and private hospitals and resthomes into

one wage award, on the grounds that these members did exactly the same type of work. However, the different employer groups refused this proposal.

In the **hospitality** industry, too, the organisation of cleaning work varies considerably with the size of establishment. In small hotels and pubs a cleaner is likely to be employed directly, with fairly general duties. In restaurants, waiting or bar staff may be responsible for the cleaning of their areas, as is the case for kitchen staff, but in larger restaurants a parttime cleaner may be employed. In large hotels, public rooms are generally cleaned by contractors, whose employees are C&C members. Guest rooms are cleaned by housestaff who belong to H&HW.

Housestaff working in large hotels have been the most stable, best organised section of H&HW's membership, in more permanent employment and working longer hours than most other hotel occupations. Many hospitality occupations became parttime and casualised after licensing hours were extended in 1967. Previously, pubs and hotels had employed mainly fulltime, daytime workers, paying overtime at time and a half for three hours, then double time. Few people then worked outside 'normal' working hours, and penal rates for unsociable hours were negotiated for those who provided 24-hour, seven-days-a-week services in hotels and hospitals. In 1967 10 o'clock closing was celebrated with a two-week strike of barstaff to negotiate rates and conditions around new hours of work and parttime evening shifts. To ensure that full-timers retained their jobs, a clause was negotiated to restrict parttime employment to evenings only. However, such union controls were soon circumvented by employing casual staff.

*"The people who negotiated those changes never foresaw the wholesale casualisation of the industry."*

Award clauses restricting parttime employment came under strong attack in 1989, when H&HW's Licensed Hotels Award was one of the major awards covering women workers which could not be settled without access to compulsory arbitration. The award was then divided into three: Major Accommodation Hotel Industry Workers Award, the Licensed Hotels, Taverns, Bars & Off-Premise Liquor Sales Award and the Hancocks Award, covering hotels and restaurants owned by the Lion group of companies. The splitting of this award allowed employers to negotiate a document

more specific to their needs, but there were also spinoffs for the union in that negotiations more personal to their situation prompted greater involvement by Accommodation Hotel and Hancocks members.

Almost a quarter of H&HW's membership came under the Tearoom & Restaurants award, which was estimated to set rates and conditions for 23,000 workers. This was another of the awards which employers declined to settle in 1989. Although it covered young people employed in multinational fast food chains, most were women in parttime, high turnover employment in thousands of small businesses - a similar organising situation to clerical workers, whose award also remained unsettled. Settlement was blocked by fast food chain employers, seeking their own individual deals, and the award was never renegotiated. Under the Labour Relations Act, 1987, awards which were not unrenewed remained in force for three years before lapsing, but under the Employment Contracts Act all unsettled awards became null and void. From May 1991 the situation of Tearoom and Restaurant workers provided an example of the impact of the Employment Contracts Act on scattered, industrially weak workers.

## **Personal Grievances**

Most of workplace problems that C&C organisers handled for members were small infringements of rights under the award, usually arrears of wages or incorrect payments. Some employers went to great lengths to avoid award-negotiated payments. One Auckland company had cleaners working 12 hours at ordinary time rates by operating as two companies with two sets of wage and time books. At one school:

*"This woman had worked there for 15 years, but the principal didn't see why he should have to pay sick pay. I asked him if he got sick leave, he said it was none of my business."*

C&C organisers frequently dealt with unjustified dismissals. There was low recognition of cleaners' right to employment security, arising from cleaners' low social status and perceptions that high turnover, parttime work was not 'real' work. C&C organisers would insist that cleaners were given verbal and written warnings before dismissal and

that these could be contested by the employee. With commercial cleaners, most dismissals arose from disagreement over the work or personal differences with the supervisor, and organisers were able to resolve all but two or three dismissals a year, often by reinstating the person on another of the contractor's sites. C&C officials saw personal grievance procedures as a backup to union intervention rather than a regularly used tool.

*"We don't really use it much, it's a pretty hopeless system for our kind of industry, you've got to wait three months to get a date, then wait for a decision. We tend to try to fix it on the day, threaten this, threaten that."*

While personal grievances procedures might be slow and unsatisfactory for resolving the problems of individuals, they were an important means by which unions obtained precedent-setting interpretations of awards and legislation by the Labour Court. In 1989 and 1990 C&C officials pursued several personal grievance cases of importance to the union movement as a whole. All were connected with cleaners' right to security of employment; most arose in shifts from direct employment of cleaners to contracting out.

In the Waitakere College and Fairfield College cases, it was held by mediators that the colleges' desire to contract out cleaning services was not justifiable grounds for dismissal and disregarded a legal requirement to be a 'good and fair employer' under the State Sector Act. This had implications for further contracting out in the state sector.

In the course of the Waitakere case, the Labour Court upheld a rather unusual clause in the Education Service Award, in which it was agreed that the employer would not dismiss an employee while personal grievance procedures were underway. This ensured that wages would continue to be paid while a personal grievance was in mediation and C&C officials had invoked this clause in several personal grievance cases taken during the 1980s. The clause acted as deterrent to both arbitrary dismissal and to replacing directly employed cleaners with contractors, since double labour costs would be incurred. Following the Court's ruling, this clause came under strong attack in the 1989 and 1990 award negotiations, with school cleaners threatening strike action to ensure its retention.

The Shrubshall vs Hale and Sons case pointed up the difference between a court which recognises industrial principles and one based on common law. In early 1990 the Labour Court ruled that a cleaner employed by a coach building company could not be justifiably made 'redundant' unless 'the dismissal is proved to have been commercially necessary in the interests of the viability of the employer'. This was a significant ruling. However, appeal from the Labour Court took the case into the jurisdiction of common law. The Appeal Court reversed the decision, recognising an employer's right to dismiss surplus workers to make the business more efficient; 'commercial reasons' for redundancy need not be restricted to the firm's survival. This outcome is relevant to the continuing lobby of the Business Roundtable for labour relations to be brought under common law (Ryan & Walsh 1993).

### **Hours of Work and Intensification**

Tight competition in contract cleaning and tightening budgets in schools and hospitals brought pressure on cleaning's highest cost: labour. Since the awards set legally enforceable minimum hourly rates, the factor which employers could vary was the number of hours for which cleaners were employed. Workload intensification and decreased earnings were important issues for the cleaners' unions at the time of this study.

C&C's awards set no minimum hours for which a cleaner could be employed. The only restriction was that cleaners brought in on weekends were to be paid for a minimum of three hours at penal rates. This seldom occurred since the hours for which most C&C cleaners were employed avoided such additional labour costs. Night shifts for commercial cleaning paid an extra \$3.38 a night but some night shifts would start at midnight on Monday morning rather than 10 or 11 pm Sunday night to avoid penal rates. With the extension of trading hours, more shops were being cleaned on the weekend, but both school cleaning and commercial cleaning is almost entirely performed Monday to Friday.

Penal rates were important, however, for H&HW's members hospitality and hospitals where workers are needed to cover seven days a week or 24 hours a day. Penal

payments spread through awards for health occupations in the post war years and increased in licensed hotel and restaurant work after 1967. While overtime payments compensated for work in excess of an 8 hours per day or 40 per week, where a standard 9 to 5 Monday to Friday week did not apply, penal rates compensated for 'unsociable' hours even for parttime employees. Cleaners in hospitals work weekend daytime and some nighttime shifts, not the rotating shifts of public sector nurses. However, as for nurses, penal rates helped bring up the earnings of many H&HW members' from low base rates and short hours.

*"For parttime workers, penal rates can be crucial...without it they would not earn enough to make it worthwhile to work."*

In 1991 penal rates for new employees were dropped from the Licensed Hotels award to settle it for another year, rather than have another large section of the membership, like Tearoom & Restaurant workers, immediately exposed to the Employment Contracts Act. Some H&HW officials, like some of their members, were unhappy with this trade-off.

*"I think there should be a margin for working weekends working night time, because there is a personal cost in working those days and hours and people should be compensated for that."*

H&HW's cleaners in public hospitals worked longer shifts than C&C members, though usually less than an 8 hour day. Private hospital cleaners and domestics usually worked a 4-6 daytime shift, with different women working weekends. In hospitality, H&HW members retained a high proportion of fulltime or 6-7 hour shifts.

An important strategy of employers, and in particular of contractors, has been to replace fulltime workers with parttimers. H&HW's awards contained clauses which helped protect against the fragmenting of fulltime employment in both hospitals and hotels to the disadvantage of members by involving the union in decisions to changes the work hours of existing fulltime positions or to create parttime positions. In 1986 H&HW took the Wellington Hospital Board to the Arbitration Court to enforce this right.

*"There's been a constant attack on that clause since 1981. They say it's an impediment to being more flexible with staff. To us it's an impediment to exploiting them further."*

This protection of fulltime jobs under H&HW coverage dates back to World War Two, a time of union and state policies protecting fulltime hours and male rates of pay to



prevent the 'feminisation' of the jobs of men sent off to war. With growth and increased labour needs in both health care and hospitality, both industries became female dominated, but the clauses have remained an important means of controlling job fragmentation and protecting the earnings of women.

As a strategy on parttime employment by a female dominated but male led union, it can be related to the differing policies of PSA and NZNA (Dixon 1987). H&HW officials did not seek to prevent the increase in the parttime employment of women which occurred from the 1960s, but the clauses allowed a useful degree of control over the ratio of parttime to fulltime jobs, and sometimes allowed union input into the creation of jobs. They provided H&HW officials with an additional means of being involved in work organisation affecting members.

*"A manager rang me with a proposal for one cleaner for a new unit. Paid mega-bucks to manage but you end up managing for them because you have got to say to them, where is your coverage? This person is entitled to annual leave, sick leave. Hadn't given it a thought. I said to him, why don't you give two women a job, one mornings, one afternoons, which gives you coverage from breakfast till tea without having to do a 10-12 day, and they can agree to cover each other's leave."*

The retention of this protective clause in awards reflected the better organising position and superior industrial strength of H&HW on larger worksites, compared with the situation for C&C. The strongest version was in the award covering H&HW's area of greatest industrial strength, the public hospitals. It was one of the clauses over which negotiations for the Licensed Hotels award broke down in 1989. It came under pressure in 1991 award negotiations, in both private and public sectors. In public health, this was despite the fact that, out of 14 Area Health Boards, the only one reporting dissatisfaction with the clause was Waikato, where contractors were used.

*"Contractors abuse that clause, therefore it causes conflict. It is not abused in the boards that run themselves."*

From an employer's viewpoint, costs could be trimmed by dividing fulltime or 6-7 hour shifts into three hour shifts. Short shifts allowed greater flexibility, greater intensity of effort and savings on statutory work breaks. They also make communication and solidarity between workers more difficult.

*"If you employ someone for 3 hours, you don't have to give them a cup of tea. They don't get to sit down with their mates and plot against you...(Hospital) Contractors are very keen to cut fulltime jobs into halftime jobs, then down to three hours. It's precisely for that reason and no other."*

At one university worksite the 'privilege' of a 15 minute tea break together at the end of the week was intended, not to break the isolation of solitary work in darkened buildings, but to allow discussion of any work related problems with supervisors. It was withdrawn when cleaners continued to seek advice from union organisers.

It is in the nature of contracting, in particular, that employers cut costs by finding ways of reducing the ratio of labour hours to effort required to perform the job. Extra staff were not budgeted to cover sickness or leave. If a cleaner was ill, needed a night off or took paid union education leave, her workmates had to carry her workload. Staff who quit would be replaced after a week or two, rather than immediately. It all increased the narrow margin of profitability at the expense of the women who did the work.

H&HW's clauses on parttime work could not prevent whole positions being dropped, however. 'Natural attrition' was the usual means of reducing staff numbers and increasing workload intensity. Although C&C officials could defend members against unjustified dismissal, they had no means of controlling the numbers of cleaning staff employed. In a high turnover industry, it was often only through delegates that officials learned of lost positions, although ultimately they would be reflected in a drop in membership numbers, as the labour market for cleaning work shrank. Natural attrition is portrayed by employers and media as somehow neutral, since it is a empty position, not a currently employed person that is dispensed with. However, union officials pointed out that reduction in the number of positions adversely affected both members' workloads and their overall job opportunities.

More recently, employers began to trim the hours of parttime women currently employed. Both C&C and H&HW organisers emphasised and tried to enforce the unions' position that cleaners were entitled to the hours for they were initially engaged; that was a contractual arrangement which employers could not change unilaterally.

However, high unemployment made members more willing to trade hours against continued employment. C&C officials reported one group of Canterbury school cleaners who in 1991 negotiated an acceptable trimming of hours against a three year agreement for no further change.

Lower staff levels and the trimming of cleaners' hours in all areas of cleaning work have meant considerable workload intensification. While cleaning is reasonably assessed as a low-skilled job, commercial cleaning is not the same as cleaning one's own home; materials, solvents and equipment are different, and it is heavy labour. If comparable worth is measured on skill, effort, responsibility and working conditions, cleaning scores on its dirty and isolated conditions and on its sheer hard work. Three hours' sweeping, mopping and vacuuming can feel like three hours' aerobics without the music.

Effort is increased as work hours are trimmed, under both contract competition system and budget cuts in schools and hospitals. Organisers recognised that in some cases tighter control was justified. The tale was told of one caretaker who was so seldom seen in normal school hours that his wages were pinned to the blackboard for him to collect. In 1990, in the view of a organiser in schools:

*"In most cases we had a bit to squeeze but...next year if they squeeze any more you are going to see a drop in standards."*

In many cases, however, officials felt the school was taking advantage of their members, as dedicated long service cleaners worked whatever hours it took to keep their school up to a high standard. C&C officials encouraged, for example, the introduction of time sheets as a way of ensuring members are paid for the extra work that many school cleaners have always done.

*"A lot of our long service members are experts in the job and can keep a school beautifully but it doesn't relate to the hours they should be working at all."*

A tight fit between workload and hours obviates the need for close supervision. In commercial cleaning and on most large university and hospital worksites, Taylorist methods of work organisation and control have been introduced. Tasks have been timed and assigned to individual cleaners' workloads on tight schedules. Cleaners

work individually rather than in pairs or teams, preventing the time waste of a moment's chat or information exchange. Schedules are often too tight to get the work done properly, or to allow for non-routine cleaning.

*"They are expected to perform magic...Some of the contracts are unreal, and the clients soon find out the hard way."*

Union officials were frequently called in when cleaners resisted cuts to hours, leaving inadequate time to do the job. In commercial cleaning:

*"One manager agreed to work the night and show everyone how it was possible, and the hours were actually increased because she couldn't do it. She was almost in tears at the end."*

*"We tell our members they are not to run around like idiots, just do a fair day's work and what doesn't get done, doesn't get done."*

## **Logistics of Organising**

As with clerical workers and nurses, the negotiating strength of cleaners is related to the logistics of worksite distribution of each of C&C's and H&HW's membership groups. Where around 8,000 hospital domestics averaged 37 members per worksite, 8,600 contract cleaners averaged 5 per site. In education 9,000 school cleaners and caretakers were spread at an average of 3 per site; 1000 boarding school cleaners and domestics averaged 12 per site; whereas the seven universities had 350 cleaners and custodians.

The workplace fragmentation of C&C cleaners was compounded by the isolation arising from unsocial hours of work. While H&HW cleaners worked alongside other kinds of workers on similar shifts, most C&C members had little contact with other workers with whom they might build union solidarity. For the large number of members in contract cleaning, other workers on the worksite would in any case not be employed by the same company and were likely to have quite different concerns.

The effect of worksite fragmentation and isolation on the industrial strength of C&C cleaners was, however, mitigated by concentration by employer. Contract cleaning and school cleaning involved negotiation with far fewer employers than, for example,

Tearoom and Restaurant workers, H&HW's weakest group, or clerical workers covered by the NZ Clerical Award.

The entry of multinational contractors into the commercial cleaning market in New Zealand concentrated the workforce into employment by fewer employers. Around 60% of C&C's commercial cleaner members worked for the five major contractors. Legally required employee listings, informally agreed fee deduction arrangements by these large employers, and the relatively cooperative relationship between these large employers and the union in recent years can be seen as facilitating union penetration and organisation. For school cleaners, employment by a single state employer, which had benefits for unionisation, was being fragmented. The consequences of a devolution of aspects of employer responsibility from the Department of Education to individual schools have been discussed, and the matter arises again later in discussion of the Employment Contracts Act.

With regard to day-to-day employment relations, however, cleaners' isolation and nighttime hours have a positive effect on union consciousness. Except in the case of the smallest commercial cleaning contractors, most members work apart from their employer and do not experience close personalised relations in which unionism may be constrained by the wish to maintain a pleasant work environment or by the risks of doing otherwise. For cleaners, working at greater distance from their employer than, for example, practice nurses and most clerical workers, the dynamics of the employment relationship are straightforward and, for the individual, the benefits of solidarity and union organisation are clear cut.

Despite concentration by employer, the contract cleaning workforce itself is scattered over a very large number of hard to access worksites. Listings from contractors did not inform the union where the member actually worked, since her worksite was a client's premises, not the employer's. Contracts and deployment of staff changed constantly. Some cleaners covered more than one site in an evening, working half an hour on one site, twenty minutes on another, with no real base. In 1990 the Canterbury union contacted its contract cleaning members at their home addresses to find out just who was working on which worksite and what hours they worked.

Although better contact had been better maintained with school cleaners, it was only in 1989 and 1990 that C&C organisers began regular visiting of commercial cleaning worksites with four or five cleaners, and began to arrange the election of delegates.

*"That personal contact is vital really. Because then they feel they belong to something instead of just receiving impersonal mail."*

There were two reasons for lack of membership organising and servicing in the past. Firstly, the highly fragmented nature of the cleaning workforce - by both worksite location and short, unsocial hours of work - made it a much more difficult and expensive organising proposition than for occupations concentrated in large worksites and particular industries.

*"When I first came, we didn't have enough staff to get around the sites. We still don't have enough staff."*

Secondly, in better economic times centralised, arbitrated wage rounds had allowed officials to deliver annual increases to members. Over much of their history, each of the C&C unions had one paid union secretary, and a clerical worker, in a small regional office. Decisions were made at biannual or special meetings of the full membership, and in between such meetings, by the elected executive together with the secretary. The main focus was on negotiation, arbitration and enforcement of the award through the courts. However, the unions were not geared to respond well to increased individual workplace and employment problems which began to arise as the economy sickened. Nor were most members sufficiently knowledgeable on industrial issues or organised to deal with workplace problems themselves. This led to a lack of empathy between members and 'the union'.

*"At my first meeting, they were not happy about the union at all...They weren't just anti-union, they had taken complaints through to the union office in the past and they felt it was not followed through and taken seriously. They did not see any results."*

In the late 1980s, C&C began to employ organisers, bringing the staff, excluding clerical support and temporary workers, to a national total of 12 in 1990. C&C's small membership limited the number of staff it was able to support. Access to specialised legal, journalistic and research expertise was seen by officials as a major benefit of federation, then amalgamation, with the larger H&HW unions. However, it should be

noted that long-standing C&C secretaries were highly expert in negotiation and legal aspects of labour relations.

In part, this was a necessary, if rather late, response to voluntary unionism. Although C&C had suffered a smaller membership drop-off than many unions in 1984-85, as an organisation it now needed to 'market itself' to members as relevant and beneficial. The importance to this of regular personal contact between union officials and members was recognised.

*"Just to show a face, even if we have got delegates, say how are things going, any problems, give out information...When we show an interest in them, they show an interest back."*

Active worksite organising had also increased with the loosening of the traditional labour relations package. Through the 1980s disputes with employers were increasingly backed by industrial action, but this was an ad hoc response to particular disputes. As employers tested their power to refuse negotiation or arbitration in 1989, regular visiting, the organisation of delegates and regular contact and communication were recognised as essential to building the kind of active unionism that would be needed in future.

Written communication with members was improved. The main means of communication between C&C office and members had been general meetings of the membership and the union newspaper, Advance, which from 1988 was posted to each member's home address. When C&C joined the SWF, this paper was collated with H&HW's regional papers, Hosp and Shift. Following amalgamation, this became one centrally produced newspaper and cleaners began to hear about SWU members in industries and occupations other than their own. The Service Worker has a strong focus on people, with stories about industrial action by members, photos and biographies of delegates and candidates for office, reports from people on the Maori or Women's standing committees, news about staff changes. In 1991 essential information began to appear in Samoan and Tongan, and the paper was supplemented with leaflets on specific issues and a membership recruitment kit.

The problem with direct mail as a means of communication for the C&C and H&HW unions was not only cost, but waste, because of high employment turnover and inaccuracies in membership lists. Providing written information via worksites, however, had its own costs, delays and logistical difficulties, and in 1991 union officials were anticipating problems with worksite access under the Employment Contracts Act. Access to members and potential members on worksites would be essential to organisational survival under any form of voluntary unionism because, as C&C officials recognised:

*"Two things have got to be going on, you have got to service the members that you have and you have got to recruit."*

Even when guaranteed by legislation, C&C organisers' access to members on worksites was difficult. Organisers had to work the same unsociable hours as members. Contract cleaners work at night in darkened, heavily secured buildings. Where H&HW organisers could usually just walk on to public (but not private) hospital worksites, C&C organisers had to obtain permission not only from the employer but from the client whose building was being cleaned. Precisely timed arrangements had to be made through the employer in order to enter the building.

*"It is difficult because the employer knows what we are up to all the time."*

Union officials' right under the Labour Relations Act to inspecting wage and time books entailed a separate visit to the contractor's office. While this presented little difficulty with the large contractors, very small employers operating from their own home sometimes denied access on grounds of personal privacy. One visit, to either worksite or office, tended to lead to others.

*"There are always problems. Once you visit, you get a rash of problems so you are in constant contact for a while."*

Although for negotiating purposes school cleaners were concentrated by state employment, they too were spread over hundreds of worksites in each region. However, this more stable workforce had always been visited regularly by officials since they were on known sites with known hours of work, and access presented no difficulty. Nevertheless, sorting out day-to-day problems across hundreds of school presented a more difficult organising situation and greater strain on resources than for unions whose membership is on large worksites.



*"It would be a dream to work for a place where you have just got those set factories that you go to, whereas we have got bits and pieces all scattered around."*

Where formerly many grievances could be sorted out with one phone call to the Department of Education, under 'Tomorrow's Schools' C&C officials had to deal separately with, for example, each of 690 schools in the Canterbury region. Pressure on cleaners from tighter school budgets and often poor management by Boards or principals meant a much higher level of intervention by union officials. Members needed more information on labour relations and education policy changes, and were having to participate more actively in negotiations and disputes than previously.

Short term employment and parttime hours act against effective organising and create a vicious circle of industrial weakness which makes it difficult for unions to protect against further casualisation. C&C officials pointed to sections of the membership in more stable employment as having the most solidarity and commitment to the union. These were school cleaners, cleaners on the few large worksites and the Pacific Island women in Wellington and Auckland, who might change worksite or contracting company but remained in the occupation.

Members who worked longer hours tended to be more involved in the union. Since many women members have chosen cleaning work to fit in with family and other responsibilities, they have little time outside work hours for union activities. Two hour stopwork meetings were sufficiently short to coincide with work hours; conferences and seminars were not. This made the paid stopwork meetings introduced by the 1987 Act particularly valuable for C&C cleaners. Since the Act authorised stopwork meetings, major contractors were quite cooperative, often transporting the cleaners to meetings just as they did to central city worksites. However, short hours and other commitments make it difficult to get cleaning women involved in ongoing union decision and policy making structures.

As with clerical workers and nurses, health and safety in cleaning work was an area where the union could provide a service to members. While cleaning technology is generally low, the chemicals used are powerful. Chemical handling standards were

written into the Education Service and School Contractors awards, with particular regard to swimming pools. Vacuum cleaners were often quite old; C&C supported members who rejected appliances they thought unsafe, and a clause requiring regular electrical checks was written into the commercial cleaners' award.

Cleaning is heavy physical work likely to lead to back and other injuries, and SWF lobbied on Accident Compensation changes and reported on reduced entitlements and new procedures in the union newspapers. An active interest was taken in the development of a Manual Handling Code, and of the workplace health and safety legislation introduced under Labour. C&C officials strongly opposed backpack vacuum cleaners, which cleaners often found useful for cleaning stairs but which involved carrying a heavy weight on the back for long periods while stooping. Incorrect use of polishing machines could cause internal damage and miscarriages with prolonged use. Unless instructed in the knack of guiding, not pushing, operators tend to brace larger machines against the stomach to control the vibrating movement. This was an issue which SWF officials researched and organisers took up with members and employers to good effect.

When C&C joined the SWF in 1988, H&HW unions had around three times C&C's membership and a correspondingly larger organising staff. Their financial and organisational viability was strengthened by having large sections of membership on more easily organised hospital and large hotel worksites. Despite increasing casualisation in hospitality and hospitals, this solid organisational base allowed H&HW organisers to service more scattered members, and to organise new areas of coverage, such as home helps.

The greater control that H&HW had over hours of work and parttime employment arose from this better organising situation. Organisers knew when and where their members worked. Access was easy and the right to it was unquestioned in the public sector; in the private employers were generally cooperative, though access was not automatic. The majority of members were on medium to very large sites where delegate systems could be established to aid organising.

The sections of H&HW membership with longest work hours and most stable employment were hospital cleaners and large hotel house-staff. The public hospitals are H&HW's easiest to organise sites and the focus of a great deal of their organising. Membership awareness and delegate structures had been developed through struggles to defeat contracting and to resist workload intensification, and through the combined industrial action against the State Sector Act 1988 and to settle public health union awards in 1989. At Auckland Hospital a written agreement was achieved which allowed delegates to take time out from work duties for union duties. As for nurses, from 1989 the Management of Change clauses allowed greater input by delegates and officials into the work organisation of hospital cleaners.

*"H&HW have put a great deal of resources in and have done, I think, a really good job. We could guarantee that we could get every one of our members out of the public hospitals over an issue. That's how much trust has been built up between the members on public hospital sites and the union."*

*"Unlike the C&C, this union is involved in every little decision that goes on inside the hospital. If someone gets an old shitty mop, somewhere a delegate or someone will hear about it."*

Housestaff working together in large hotels were a stable, well organised section of H&HW, in more permanent employment and working longer hours than most other hospitality occupations. They were women, often older women, who started at 7 a.m. and finished before the end of the school day. Usually working a five day week, most earned an almost full wage while fitting in with family responsibilities. While the big hotels move around those interested in developing skills for a career in hospitality, most stay in housekeeping, developing an identity with it, its problems and union matters.

*"They are the mainstay of the union so they get well looked after...whenever there is a stopwork there will be a lot of women there in housesmocks."*

Generally speaking, officials of both unions recognised that it was low pay and insecurity of employment that made cleaners recognise the necessity of organising and belonging to a union.

*"The big issues that the union organises around are wages, of course, and I think the union has been quite effective over the years, and the other big issue is job security."*

## Workplace Delegates

The election of delegates was not a feature of C&C organising strategies before the late 1980s. Cleaners' short hours, extremely high employment turnover, fragmented workforce and isolated work experience acted against establishing the kind of strong and reliable delegate structures which were possible on large worksites with stable employment. As greater right to strike replaced access to arbitration, union strength was built around specific industrial disputes, rather than through the development of structures of representation. Formal meetings of union membership which were the highest decision making forum provided little opportunity for down-up information sharing.

From 1989, however, workplace delegates began to be elected wherever practicable. In a whirlwind of organising activity Canterbury got 170 delegates elected in 1990. By 1991 half the cleaners in the big office blocks in central Wellington and Auckland had delegates.

*"A lot of it is having that contact person...who will ring us up. We go through the things they should watch out for, like cuts in hours, rumours of a change of contract, let us know when a tender is coming to an end, keep us informed."*

In 1991 organisers predicted that delegates would be still more important to organising under the Employment Contracts Act.

*"If an employer refuses to deduct union fees, refuses to send employer lists, we are basically sunk unless we have a good strong delegate inside."*

On larger worksites, two delegates were chosen, not only to support each other, but to provide back-up if one left. Even on small worksites of two or three members, a delegate was chosen, though, as with clerical workers, some felt less vulnerable if called 'contacts'.

*"Once you are labelled as a delegate you are often considered the shit-stirrer."*

The casual nature of cleaning employment acted against a strong delegate structure, and also against the development of knowledge, experience and confidence.

*"Just because you have got delegates doesn't mean you end it there. It's a continuous job of educating them and getting them involved in as much union*

*stuff as you can, helping them build up their confidence to deal with the employer."*

*"What makes it difficult is a very high turnover of staff. We get them working, then one will go and we start over again at the beginning."*

Reliable delegates and regular contact with worksites were essential if organisers were to hear of job losses through attrition or hours changed with the turnover of employees. Officials recognised that they could not rely on ordinary members phoning the office about problems to provide adequate communication, since they did not always report matters that they felt powerless to resist, or changes that did not affect them personally.

*"We have that knowledge if we are in contact with the cleaners and the delegates. That is why we have delegates on every site, so there is that communication going from the worksite to the union office. If we don't have that communication, we would have no idea."*

H&HW officials began to improve their worksite organising from the mid 1980s, well in advance of C&C, with delegates elected on large hospital and hotel worksites. Their response to the threat of voluntary unionism was to try to build active unionism among members while compulsory membership still provided the financial means. The Wellington union in particular had a strong policy of putting resources back into its membership through seminars, delegate training and activities to involve members in their unions both industrially and socially.

*"In those days this union was wonderful...We had social events, sports weekends with people from all around the country...organised at a local level on an entertainment basis as well as industrial. If you have strikes going on, picketers, everybody doing things, of course those social events happen as well. Then we went through a lot of hardship industrially, the bosses began to get organised, no doubt about that, and it became a lot harder to operate as a union."*

By 1990 there were sufficient delegates on pub sites to organise a delegates' seminar just for Hancocks employees. In part this increased activism was because the splitting of the Licensed Hotels award into three made pub employees feel more vulnerable as they were no longer cushioned by the big hotels who had carried award struggles in the past. But also, more positively, they were now organising around issues specific to their own workplaces. For Hancocks,

*"A separate award has been the best organising tool we have had and my regret is that we have resisted it for as long as we did."*

However, this was at the expense of the more scattered, harder to organise small hotels and pubs.

Sections of H&HW membership, particularly tearoom and restaurant workers, and the home helps for whom H&HW officials were trying to negotiate an award, were in a similar situation to many clerical workers. They were scattered across many small worksites unsuitable for delegate-based organisation, where obvious union involvement carried risks since they worked more closely with their employer than most C&C members. In these high turnover membership groups, H&HW efforts to organise were less successful and effective industrial action in defence of awards had never been possible.

### **Arbitration or Industrial Action?**

Historically, like the clerical unions, C&C owed its ability to secure national awards to state arbitration. Since arbitration offered an alternative to industrial action, it benefited unions of scattered, low paid workers with little industrial muscle or strategic position in the economy (Frank 1987; Walsh & Fougere 1987:188; Simpson 1987). This was also the case for some of the workforces that H&HW represented.

*"Fine if you are in a freezing works or a food processing plant or even a public hospital, but where there are ones and twos, and parttime and transient labour, you can't lift the industry in general by the activities of one or two activists. It needs some form of institutional organisation."*

C&C was typical of the unions which developed under this centralised system. The fees of an inactive membership funded regional secretaries responsible for negotiating and enforcing national awards for wage rates and conditions. Awards were arbitrated by the Court on the basis of claims by unions and employers. Officials could refer award breaches to a specialised court which recognised collective rights and certain industrial principles and precedents (Ryan & Walsh 1993).

Until legislative changes in 1987 and 1988 labour courts recognised relativities between occupations, between occupations across industries and between state sector and private sector employment. This provided C&C negotiators with a useful strategy in direct negotiations or through court arbitration. In each award round, a close linkage was maintained between awards. Leading with the commercial cleaning award, the strategy of C&C officials was to lever the rates and conditions in one award up against rates and conditions in another.

*"Our awards bounce off each other, one award triggers four awards."*

Through the 1980s, C&C members demonstrated their willingness to support award claims with industrial action. The effectiveness of strike action increased in commercial cleaning as cleaners became concentrated in the employment of large contracting companies. Action against particular contractors in commercial cleaning and in schools was used to bring those awards into line (Brosnan & Wilkinson 1989a&b).

*"We have built up a bit of a profile as a struggle union as well, a few good strikes and so on which has really helped a lot to get people to identify with the union...A bit of fancy footwork in the courts as well as strikes and pickets."*

However, arbitration, relativities between awards and parity between private and public sectors were central to C&C's negotiating strategy as long as those options remained available. When arbitration was made voluntary in 1984, C&C used industrial action not directly in negotiations with employers, but to secure their consent to arbitration by the Court, which continued to recognise occupational relativities and parity with the state until 1987.

H&HW negotiators used a similar strategy with their different occupational awards. In the late 1970s an improved rate for hospital cleaners was gained by arguing better relativity with male hospital orderlies, also represented by H&HW.

*"They used existing rates and awards to argue parity internally and then they used outside examples to argue parity externally. That has been the whole way that (it) was organised. But back in those days they had the ability to go to arbitration."*

After 1984 only two cases involving disputes of interest in cleaners' award negotiations were brought before the Court, the first by C&C, the second by H&HW. In both cases a two pronged approach was used: firstly, employers' agreement to arbitration was

obtained by threatening or taking industrial action. The second prong was state sector parity. As in the case of private sector nurses, state parity could be used, not just to ensure market level salaries for state servants but, in reverse direction, to benefit low paid private sector employers. C&C's case in 1985 and 1986 was in fact a continuation of a state parity claim which began in 1979.

*"It was after years of battling and we did it through the court as opposed to industrial action."*

School cleaners and private sector cleaners had always received the same arbitrated wage rate. In 1979 C&C claimed state parity between school cleaners and cleaners of government buildings employed by the Department of Internal Affairs, who were members of the PSA. However, the process of passing this rate on to private sector cleaners was interrupted by the wage freeze. In 1981 school cleaners employed by contractors took strike action to achieve the same rate as the main award for school cleaners. However, major contractors refused to pay their private sector cleaners the same rate they now paid their cleaners in schools. The cleaners went on strike and a picketing campaign centred on a major contracting company received a high media profile and widespread public support (Brosnan & Wilkinson 1989a). When the Court finally granted parity in 1985, it was with school cleaners' pre-freeze rate. A final full state parity adjustment of 30.1% was not achieved until a 1986 ruling. That is, it took industrial action, arbitration and seven years for state sector parity to benefit lower paid private sector cleaners.

The result, however, was a wage rate for cleaners which measured well against rates for female dominated factory-based occupations, although the hours of employment were short.

H&HW negotiators promptly sought parity between their cleaners in boarding school residences and C&C's school cleaners. Boarding school trustees resisted this, fearing a flow-on effect to their kitchen staff, but industrial action was used to ensure that the employers would 'volunteer' to accept arbitration.

*"We threatened strikes all around the country, some groups had gone on strike to get the employers to agree to go to Court. And we got higher penal rates for the weekend out of the Court as well. Just superb."*



H&H did in fact achieve a degree of parity for low paid kitchen staff, by pointing out the cleaning content in their work.

*"The judge asked, what do you clean? She said, I clean the floor, I clean the bench, I clean the pots, I clean the carrots! - and the whole place cracked up. She scrubbed vegetables."*

By 1990, however, the Department of Internal Affairs had established its own contracting company, Quality Services, which competed in the market with other commercial cleaning companies. Internal Affairs' previously directly employed cleaners were thus separated out from any benefits of state employment and came under C&C's commercial cleaners award.

By the time of study, this strategy for negotiating via the court had been reduced to an argument in direct negotiations with employers about the 'going rate' and 'market forces'. Legislative changes had removed both unions' right of access to arbitration on disputes of interest in negotiations and traditional relativities between occupations or with the state sector. The loss of the right to arbitration did not affect C&C's negotiations as badly as it did the clerical unions and sections of H&HW membership. Threats of action and members' demonstrated willingness to walk off the job, whether legally or not, appeared to be sufficient to back C&C officials' claims under the Labour Relations Act. Outcomes of negotiations under the Employment Contracts Act throw additional light on why this was so. Award negotiations did become more difficult, however, with industrial action or threat of it increasing in importance.

The kind of 'fancy footwork in the Courts' that had been successful for C&C and H&HW negotiators had led employer groups to oppose occupational relativities, which were removed in the 1987 Act, and to lobby to replace awards with enterprise bargaining (NZBRT 1987; Brook 1989:188). It was argued that such rigidities not only acted against the efficient working of the market but kept those traditionally at the bottom of the labour market always at the bottom - especially, women, Maori and Pacific Island workers - regardless of productivity improvements (Brook 1989:203, 1990:76; Myers 1992:13). This argument ignored the role of minimum award rates in preventing the greater inequality experienced by such occupations elsewhere (Hyman 1987:9).

In two examples studied here, however - private sector nurses and cleaners - relativities were used to benefit low paid female dominated occupations, in which a high proportion of Pacific Island women were employed. Although H&HW was able to apply principles of relativity between occupations, most of the above struggle was about relative pay rates in different sections of the labour market for one occupation. The principle of relativities accepted by the Court enabled the C&C and H&HW to organise minimum wage rates across the whole labour market for cleaning. State parity resulted in an improved hourly wage which raised cleaners' rates considerably against other low paid women's occupations. In fact, this improvement prompted some factory employees to redefine themselves so as to come under C&C coverage.

In the last award negotiations under the Labour Relations Act, the legislative changes and overall employment situation placed C&C members in an essentially defensive position. Readiness to take action varied with the industrial organising situation and the immediacy of the issue to the member's own situation. In school cleaning, difficulties were often about changes to hours of work. Christchurch City Council cleaners took a stand on redundancy together with bus drivers and other city council workers working on the same sites, negotiating with the same employer.

*"Some of them are willing to stop work at the drop of a hat. Some of the school cleaners are motivated enough to take a stance if their conditions are thrown out."*

As arbitrated alternatives were removed, cleaners showed increasing willingness to take industrial action. Worksite logistics constrained large national strikes in support of awards, but the small number of employers and the importance of contractors' relations with clients made small scale action against particular employers very effective. Industrial action by commercial cleaning members often came in response to the volatile nature of the contract cleaning industry itself:

*"It's a real gutzy industry, very odd sorts of things happening all the time."*

Employer-specific disputes often had implications for the wider membership and helped maintain overall negotiating strength.

*"When we talk to people we say, it is important that we win this dispute. You make the decision but if we are going to go into it, we have to stick with it, not*

*just for us but for other people. If we lose this that will flow on, other people will lose conditions."*

The employment relations of cleaners were not overlaid with the gender politics and close personal working relations between an office worker and a manager, or the ethical issues and constraints of nurses working with dependent patients or children. Classic union tactics of backing claims and disputes with industrial action were appropriate to their industrial situation and cleaners responded.

*"Cleaners are the salt of the earth, you talk and they understand. If you get into industrial action, it's basically, well, we have got to the end of the road, let's do something about it."*

Having made the decision to take action, the novel break from the routine of work could be quite stimulating. In one dispute:

*"The boss actually ended up apologising, grovelling on his knees to them. They kept trying to think of some other thing that they were unhappy with, they didn't want to go back to work, they had got geared up to have the night off."*

H&HW cleaners in public hospitals took their first industrial action against cleaning contractors in 1981, in the first wave of cost cuts, when a change of contractor led to 68 job losses. This major dispute was lost, but H&HW was successful in limiting workload intensification in some hospitals using contractors and keeping contractors out of others. One strategy used against a hospital contractor combined partial work refusal with the threat of wider industrial action to renegotiate workloads and hours section by section. Where union officials and cleaners in a particular area agreed that workloads were too high for hours of employment, a union ban was placed on some duties, to reduce the workload.

*"The employer thought he could whip us by getting supervisors to clean the toilets, saying ha-ha, your actions are having no effect. Of course it was having effect if we were no longer doing the toilets, we were happy with that! After three months the supervisors got sick of it and complained to the boss who negotiated an extra half hour."*

This strategy was repeated through several blocks until a general extra half hour was conceded against a signed agreement on that arrangement until the end of the hospital contract.

Coverage of cleaners, kitchen workers and orderlies in hospitals meant H&HW officials worked closely with other unions on site: in the private sector with the NZ Nurses Union; in the public sector with the NZ Nurses Association and the Public Service Assn, which covers health professionals and psychiatric and psychopaedic nurses. In the early 1980s hospital cleaners were the most organised and active of the occupations in public hospitals.

*"There was little organisation amongst other parts of our union, the caterers and the orderlies. The PSA represented very few workers at that time and the nurses weren't active...Now there wouldn't be a group inside the hospital that hasn't taken action over something."*

It has been principally the actions of government - the wage freeze, the State Services Act 1988, and hospital and health service restructuring - that have galvanised hospital employees into action and inter-union cooperation. After the joint industrial action in 1989 the NZNA, PSA and the H&HW unions coordinated their negotiating strategies and industrial action very closely and successfully. Acceptance of a award settlement for one was been hinged on an acceptable settlement for the other two. There was also close cooperation between organisers and delegates on effectiveness studies under the Management of Change clauses.

Through the 1980s outcomes of successive award rounds were affected by the changing legislative framework within which negotiations took place. After the wage freeze a combination of industrial action and arbitration which recognised relativities enabled C&C and H&HW officials to achieve considerable wage improvements in all awards for cleaners. But with compulsory arbitration and relativities no longer available, negotiations became much more difficult for both unions. After 1986, C&C officials were able to negotiate increases for all awards, maintaining real wages against inflation, but had to battle to hold on to current provisions around hours and conditions. The legislative changes which brought state sector bargaining under a private sector framework which had moved away from centralised arbitration also forced H&HW members in hospitals into greater militancy to protect their awards.

In late 1990 and early 1991, C&C awards and H&HW private sector awards were rolled over at 2% to renew them for another year before the passing of the Employment

Contracts Act. H&HW's public hospital awards, like all public sector awards, were renewed with no wage increase. To renew the Licensed Hotels award, H&HW negotiators had to concede the removal of penal rates for new employees in a high turnover occupation. In resthomes only a section of employers settled in 1991, in a new award for Religious & Welfare Resthomes. Workers in other resthomes and in tearooms and restaurants were thrown immediately into the Employment Contracts bargaining environment without the period of grace in 1991 that was achieved for most of the workforce.

### **Underrepresentation in Leadership**

C&C was not among the unions who addressed issues arising from the gendered nature of their members' occupation. Through the 1980s the position of C&C officials on women's issues being raised in the union movement was more conservative than in H&HW, and at the far side of spectrum from clerical union officials, despite representation of a female dominated workforce. Reasons for this may be identified in the gender composition of union decision makers and the class analysis they held.

To some extent the low representation of women cleaners in the hierarchy of their union reflected the concrete situation of women in cleaning work. As discussed earlier, the occupation's parttime hours are compatible with a traditional female role in the family and community, but these short, unsociable hours compound the usual barriers to women's union participation. Although C&C women members attended worksite meetings and participate actively in disputes, their participation in general meetings and union structures and strategies was low. Since different kinds of cleaners work at different times of the day or night, no meeting times suited all. Juggling their time and their need to earn with childcare, domestic work and other commitments, they had little time of their own, and little time within working hours, for participating in union work.

*"Some just tell the caretaker, oh, you go and tell us what happens."*

C&C members in fulltime work, on the other hand, were likely to be men: the caretakers and security guards. It was significant that in C&C award documents,

wages were stated in hourly as well as weekly rates for cleaners, but only as a fulltime wage for caretakers. Although much security work, now organised through contracting companies, has become as parttime and casualised as contract cleaning, C&C's caretakers tended to be in permanent, long term employment. Men in these occupations were also likely to be traditionally oriented on gender issues. It was these male caretakers and security guards who visibly dominated C&C union meetings and were disproportionately elected onto the executive, rather than the membership majority of women cleaners.

However, this outline of the situation of women cleaners is descriptive, rather than analytic. It does not intend to suggest that women are inherently difficult to organise, prioritise family over working life or are uninterested in union affairs, but rather that questions of collective organisation and structure have not been sufficiently addressed (Crain 1991). The evidence from union officials, on whom this research is focused, was that the predominantly women members of both C&C and H&HW were staunch and active participants in union disputes.

If C&C officials were increasingly recognising that the 'guts of the membership is women', this fact was not reflected in C&C's official structures or hiring patterns. Secretaries had always been male and Pakeha, as had the majority of executive members. Some officials had begun to recognise this as unsatisfactory.

*"We have always only had one or two nominal women on the executive, that's the truth of it...There is a great shove going on at the moment to get this union to reflect its membership. It's going to take some time I can tell you."*

While the occupations which made up both C&C and H&HW memberships were examples of horizontal gender segregation in the labour market, the officers and paid staff of both showed vertical segregation by gender in union hierarchies. In C&C unions an increase in organising staff, including women organisers, occurred towards the late 1980s. In 1990 there was at least one woman organiser in each region, with two in Christchurch, one of whom was Assistant Secretary and, under the SWU, was given divisional responsibility for school cleaners in the South Island. The longest employed woman organiser, formerly a cleaner and executive member, became the sole charge organiser for Dunedin, then the only woman employed by the

amalgamated Otago/Southland union. By the early 1990s women sufficiently political to work for unions were likely to be in some way feminist. However, the C&C women officials interviewed did not hold feminist views as strong as those encountered in the other unions studied, including the H&HW.

Until the 1980s the H&HW and C&C unions were very similar in philosophy, strategy and organising style.

*"(In the 1970s) the H&HW was nothing like it is now, before its progressive days. Lots of money in the bank, very few organisers, tiny office, just basically collecting fees."*

Through the 1980s, however, H&HW became a strongly progressive voice within the union movement in identifying and championing issues related to low pay.

*"Lots of really exciting things were happening in that union, seriously looking at its structures and its organising methods and attempting to tackle the issues of low paid workers more seriously than any union had really ever seemed to before...but there wasn't any kind of feminist analysis at all."*

The extent to which H&HW picked up on feminist unionists issues and strategies was being determined by the priority given them by the union's leadership, which continued to be male dominated. As part of the general move towards more democratic and responsive unionism H&HW increased the size of its organising and specialist staff in the early 1980s. As with the clerical unions, this hiring, particularly in regions with more progressive leadership, began to reflect the fact that some of the occupations H&HW covered were heavily female dominated: it was appropriate to hire some women. These women organisers, usually with a background in the industry but also women with tertiary education, began to raise the new feminist issues and critiques within the organisation. As larger worksites were organised with elected delegates, many were women and some went on to become organisers or other officials.

There was a higher proportion of women elected to H&HW executives than with C&C. Canterbury H&HW had a woman union secretary in the late 1980s; however, this regional union did not join the fully amalgamated SWU. Of the individual unions which affiliated to the SWF the most progressive policies and rules in feminist terms were those of the Wellington H&HW. However, in all regions, and later in the SWU, men

continued to dominate the elected and paid positions of a organisation with predominately female membership.

*"I'd like to get some more women through to the national executive, that positive role, because it is mainly men...two women are cleaners. It would be good to get someone through that had that confidence."*

Nor did the paid staff of either group of unions reflect the racial mixture of the membership. All paid C&C officials and organisers were Pakeha except for one Maori woman organiser in Dunedin, a relative conservative on both Maori and women's issues. During the period of research, H&HW unions had no more than three Maori or Pacific Island organisers.

In acknowledgements that this racial mix was unrepresentative, a contradiction arose with other statements by C&C officials about the membership. While the collective nature of unionism and Polynesian cultures was constantly pointed to as a reason Pacific Islanders make great union members, cultural differences were presented as the reason there were very few Pacific Islanders in official or paid positions. Mention was made of increasing the vulnerability the few experienced Pacific Island delegates by overloading them with union tasks. Examples given of difficulty arising from cultural differences included reluctance to interpret at large meetings:

*"They are shy, they think that to do that is to somehow make themselves bigger than, better than others, so they don't want to do it."*

Language differences presented a problem. Not only did Pacific Island members have difficulty understanding complex English and unionist jargon, but when some meetings were conducted in the language of the majority present, officials had difficulties.

*"We were in a meeting here about three weeks ago and I realised about half the meeting didn't know what I was talking about....One dispute we got some matai and the members voted unanimously. When it was all over, I said to one fellow, I expected some differences to emerge there, and he said, they just told me to do as I was told. I don't want to build a union on that basis but I didn't know what was being said."*

This situation was presented as a cultural problem attaching to the members, rather than an organisational problem of representation. The solution generally proposed by both C&C and H&HW officials was for the staff already employed by the union to learn some Samoan.



Some H&HW unionists expressed disagreement with the view of low Pacific Island involvement in leadership as a cultural problem.

*"I think that's a Palagi cop-out. If we provided the right environment...but we structure everything on a monocultural basis, even our union meetings, someone up in front addressing the crowd, it's foreign to them...They have the capabilities, at smaller site meetings they have no problem."*

In this alternative view, which came from officials working most closely with members, a shift from Pakeha monocultural ways of working might flow from a shift in the locus of organisational power as a result of the more active unionism needed under voluntary unionism and forced reliance on industrial action under the Employment Contracts Act.

*"I think in the future...because of the changes politically, the power is going to have to be taken from the union office and put onto the worksites in order to survive."*

In H&HW, moves to hire Maori and Pacific Islanders, and to ensure their involvement in elected structures, began in the late 1980s and were strongest in north. In 1988 there were a number of Maori and Pacific Island members on the executive of the Northern H&HW, whose secretary had a Samoan family background. Of the C&C unions, Northern was most receptive to change following the election to office in 1990 of its last secretary before amalgamation. This regional difference in viewpoint is not unexpected, since the union organisation of low paid service workers reflects the regional concentration of Pacific Island and Maori population. Northern C&C adopted a policy of upholding and carrying out the principles of the Treaty of Waitangi. When in 1990 a personal grievance case in Rotorua was conducted in Maori, officials found nothing unreasonable in that. However, Northern C&C officials disagreed with the Maori school board as employer taking a cultural position on what the union saw as a class issue of the unjustified dismissal of a cleaner. That is, Maori issues were subordinated to an overriding class analysis. In the past C&C had come out strongly against the politics of Maori sovereignty, seeing Maori interests as 'best served by fighting together with Pakeha workers for a better society from which we will all benefit' (Advance 1988).

In the late 1980s Wellington H&HW developed a 'workers policy' of hiring organisers from among delegates on its own worksites rather than, for example, from other unions or those with educational qualifications. However, under restructuring for amalgamation this briefly established policy lapsed in favour of hiring proven organising expertise.

Generally, the gender and race profile of officials and paid staff of H&HW, like C&C, did not reflect the membership profile, and males continued to hold the decision making and policy initiating positions. This pattern continued after amalgamation into the Service Workers Union. Current C&C and H&HW officials stood for particular elected paid positions in their unions and the Service Workers Federation with the new SWU hierarchy already sketched out jointly between them. These positions and their incumbents were slotted into the amalgamated SWU structure with little change. Of now-elected positions given regional and division responsibility, only one regional divisional head was female.

In 1992 the Women's Committee of the SWU successfully put a remit through a delegates conferences to the Annual General Meetings which called for a equal opportunities programme to ensure hiring 'with due regard being given to the ethnicity and gender composition of the membership'. Like the earlier policy, this remit was aimed not only at a truer representation of the union's membership but also at strengthening the link between membership and union office. Besides a stated policy against discrimination on the basis of race, sex, marital status, religious beliefs, sexual orientation and disability, the remit included specific requirements for advertising which would target and encourage under-represented groups, and for a representative of the appropriate standing committee to be included on the interview panel.

*"We have laid out procedures on it...(For a hospitality organiser) for example, we should advertise in the hospitals for three or four weeks, have meetings and speak to people."*

Paid secretaries were both the public face of the C&C and H&HW unions and key decision makers in the day-to-day running of the union. While executive members were involved in directing the affairs of the union, representation of the unions inside

and outside the union movement was by paid officials - the secretary, not the president.

*"We pay lip service to workers representation within our organisation when we have a president who rarely speaks on behalf of our Federation. Why? Because we do not expect her to."*

Decision making on executives of the regional unions tended to be strongly led by secretaries and, in some cases, long established male presidents.

*"If he wants something really pushed, he will do quite a lot of talking and the executive members will go for it. I don't think it is questioned enough...I don't think they understand the importance of their role, they are actually responsible for the running of the union in the end."*

Several of these leaders, in both C&C and H&HW, were powerful personalities with a strong class analysis. While recognising an increasing need to service a membership which was largely Pacific Island and overwhelmingly female, their receptiveness to feminist and race analyses put forward by some H&HW staff and members was often limited.

*"Although the H&HW liked officially to have this very progressive image, when it came to women's issues it was pushed along by individual organisers. It was certainly never pushed along by the leadership of the union, who were actually quite actively opposed to it on some issues...If it succeeded it was no more than it should, and if it failed, well, there was no point in doing it."*

In the past, such officials tended to see even information gathering on gender and race composition of the membership as more divisive than relevant, particularly those who had a strong belief in unionism as a vehicle for class struggle. In a industrial relations system with compulsory membership and centralised bargaining, it was easy to assume that this analysis and primary class identification was shared by the whole membership. This was epitomised by the view of a C&C Secretary:

*"Workers tend to identify as workers, not as a Maori or a Pacific Island workers or a woman worker or a transvestite worker or whatever. They identify as cleaners."*

Certainly, C&C cleaners had no illusions about their place in the employment relationship.

*"They actually know what the boss is like. It doesn't matter whether he is nice person or a not nice person, they all treat the cleaners much the same, it's just a matter of degree or whether they do it with courtesy."*

Cleaners were also conscious of the extremely low social status attached to cleaning work, as were other workers. When tray line kitchens were introduced at Auckland Hospital, for example, surplus staff expressed themselves ready to accept any alternative work except cleaning. Right through the hospital hierarchy, status is elaborately expressed in the colour and detail of uniforms<sup>2</sup>. Auckland Hospital cleaners wear turquoise, with supervisors in pink.

A link between the occupation of cleaning and wider political concerns about the lowest socio-economic classes in the current recession was made by the Northern C&C survey in early 1991. Under a government funded employment scheme, a young Pacific Island woman conducted an interview based survey of the membership and also interviewed leaders of Pacific Island communities to which much of the membership belongs. This not only established a better demographic profile of the membership but was specifically focused on the economic and family situation of cleaning women to highlight the vital importance of their earnings, not only to themselves but to others they help support.

Previous work had revealed, for example, that of 120 Mangere women cleaners, 30% had unemployed husbands and an almost equal number had adult children in the household who had been unemployed for more than six months.

*"So we are coming from a particular angle, saying that's what the joint incomes are on average, that's what the household unemployment situation is. Because we are talking not only of a cultural and ethnic group but a socio-economic group, which is a lot different from, say, clerical."*

Interest in obtaining better demographic and other information about members and their life situation was relatively recent. Even officials with a strong class analysis now acknowledged a link between socio-economic class and gender.

*"Cleaners are very intelligent union-wise and political-wise, particularly women. They know what life is about... They know how far money goes and what things cost and they know if that money supply into a household drops what it can mean. That's why they are so astute, because every penny counts. More so with mature women."*

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<sup>2</sup> Nurses have to wear specified kinds of white shoes, although their shoe allowance was removed in 1992; highly paid critical care consultants, however, can choose to work in jandals.

As unions became 'bargaining agents' under the Employment Contracts, a closer fit between membership concerns and union actions was recognised by officials as essential to organisational survival, as well as of effective collective action. But this information gathering about members' household circumstances was ammunition for a political strategy adopted by C&C, H&HW and now SWU; that of lobbying political parties, ministers or select committees for policies recognising the needs of low paid workers, and of supporting the election of a pro-union government.

This primarily class-based strategy by these union leaders to represent the collective interests of their predominantly female members contrasts with the feminist analyses expressed by officials in the last two case studies. In particular it contrasts with the issues and strategies discussed in Chapters 5 and 7 aimed at making unionism more relevant by addressing issues of specific concern to women members. Nevertheless, some H&HW and SWU officials held a more strongly gender- and race-based analysis of members' situation than that held by C&C, H&W and SWU leaders. Some of the internal tensions arising from differences of perspective and preferred strategy emerge in the next sections. Of particular interest is the strategy of making 'political space' in union decision making structures through standing committees for women, Maori and Pacific Island members.

### **Building on Gender and Race Identity**

Some H&HW officials believed that the link between gender and the occupation of cleaner was the key to a greater identification of members with the union. Organisers of both union groups saw the cultural understandings and community solidarity of Pacific Island members as already a valuable part of the unions' industrial strength. Some H&HW staff saw gender and race, not just class consciousness, as important factors facilitating union organisation and solidarity. In this view, whatever issues were of concern to members, as women or as Pacific Islanders or as Maori, were union issues, whether or not they reflected a traditional class analysis.

Like officials in the clerical workers and nurses unions, these officials recognised that, for a female dominated occupation, gender relations were a constant feature of the employment relation and of union representation.

*"What makes it hard is that they are women delegates and dealing with male management or employers. A lot of women have not been used to being shouted at, intimidating mannerisms when they are trying to sort out a problem."*

Women organisers considered that female socialisation into concern for others and cooperative rather than competitive interaction could be a building block towards greater union solidarity.

*"It's my experience that women are far more motivated, they have a great sense of collectiveness and fairness and are less competitive than men. I organise orderlies as well and there is a vast difference between the orderlies and the cleaners. I am positive that it is being women, Pacific Islanders, being at the bottom of the heap that makes the difference."*

*"Men push themselves more aggressively...When we are fighting to get cleaners picked up by an incoming contractor, it is the men that will give you the dirty on which cleaners don't always work their full hours."*

The issues raised in Working Women's Charter and by later feminist unionist campaigns were not picked up by C&C officials and were not prioritised by H&HW leaders. The experience of H&HW women organisers, however, was that issues like sexual harassment and pay equity were well received by women members. While some saw feminism as a middle class women's movement, they recognised the concerns it theorised as very much facts of everyday life for women working in low paid jobs - child care problems, sexual harassment, lower earnings.

*"A lot of working class women do turn off at the word feminism and that's fine, because they never turn off at what the issues are really about, it's just the language...When you tie issues like pay equity into practical work experience of those members, even if they aren't sophisticated, educated or with a feminist analysis, they have got the practical work experience to relate it to."*

After the Cartwright inquiry in 1987-88, H&HW women organisers in Wellington organised a cervical screening service at their hospital worksites. Pacific and Maori women, who were a sizeable portion of H&HW members in hospitals, had been identified by health workers as those least likely to have regular smears. This both picked up on a current feminist issue and was a way of making unionism relevant and

involving women members with the union. As a health issue and a 'service' to members, it could not be considered too risky by members or too feminist by union leaders.

The concentration of Pacific Island women into low paid service work occupations (NACEW 1990) means a higher level of job stability (Larner 1990:28) and commitment to the occupation is found among Pacific Island women commercial cleaners in Auckland and Wellington than in the South Island where commercial cleaning members are predominantly Pakeha. While Canterbury officials reported a high degree of transience, in Wellington and Auckland, Pacific Island members changed employment between contract cleaning companies, but tend to stay in cleaning work. For C&C unions based in those metropolitan areas, members' identity as Pacific Islanders was an important factor in mobilising members which was repeatedly commented on in the interviews.

*"Pacific Islanders have formed strong communities in NZ and that carries through into their work. They see the union as quite an important part of working life and it is a communal thing."*

Organisers of cleaners in hospitals and hospitality agreed:

*"Crass generalisation, but Pacific Islanders tend to be very good unionists, something about the collective nature of their community."*

*"Unionism in its collectiveness actually complements the Pacific Island culture...Palagi (European) culture is more individualist and each for their own, whereas Pacific Island and Maori culture, everybody's involved...I think they are the easiest group to organise. They get the collectiveness because of the way they live in their own cultures, they see the point of unionism immediately."*

Patterns of chain migration and close knit, usually church-based communities in New Zealand mean employment was often found through relatives and friends (Larner 1990:26), which not only helped concentrate newcomers in particular occupations and particular worksites, but built a network of mutual responsibility among workers which become a resource for union organising.

*"In terms of organising cleaners in the hospital, really it's a breeze, because they have got all these networks that work. They know each other and have a very strong group loyalty. You have to stick together and you have to stand by each other."*

Pacific Island members particularly appreciated organisers attending farewells and other workplace celebrations, which helped personalised links between these networks and the union office.

New Zealand's social geography was particularly recognised by Wellington C&C organisers. Cleaners of the high rise office blocks of central Wellington were bussed in by contractors from the main Pacific Island centre of residence, Porirua. Organisers met with cleaners on the bus, before they separated to different buildings. In early 1991 when union rights under the new legislation were still unclear, organisers were discussing the potential for community based union organising in Porirua, with perhaps a joint union information centre there to service and educate SWU members. A few 'cottage' meetings held in members' homes about small issues had been well attended.

*"We are going to have to look at new ways of organising, particularly with the problem of right of entry...do more work where people live."*

In Auckland, chief port of entry for migration, recent refugee immigration was reflected in small enclaves of Vietnamese and Fijian cleaners, working on particular sites. A few small sites had just Filipina or Indonesian cleaners. In Wellington there were some new Asian members, Cambodian and Vietnamese on small sites. Although Australian research has shown these groups to be active and interested union members (Bertone 1993:7), in the view of C&C officials, so far in New Zealand:

*"Asian workers seem much more quiet, they don't want to elect a delegate, they don't want to get into hassles."*

The work permit problems of Pacific Islanders and of more recent immigrant groups meant many members had an interest in immigration policy. C&C and H&HW officials were not knowledgeable in this area and referred members on to other organisations for help. However, H&HW officials had several times acted to recover wages for restaurant workers grossly underpaid for long hours by employers who threatened deportation. Certainly neither C&C nor H&HW had any interest in exposing the immigration status of cleaners or in any way excluding them from award coverage or membership. Not only were below-award rates illegal, they undermined the labour rates for all workers.



*"It becomes of interest to us when people are being blatantly exploited because companies can then win contracts quoting much lower wages. Then companies that play by the rules will be unable to continue employing our people."*

Although gender and race characteristics of the memberships were acknowledged by leaders of both union groups by the time of study, more progress in addressing the significance of this was achieved in H&HW. The main outcome was organisational change: the development of standing committees for women, Maori and Pacific Island members, which gave these groups 'political space' first in the SWF, then in the fully amalgamated SWU. This followed the organisational pattern of the NZCTU which, as described in Chapter 5, was an outcome of strategies for structural change by feminist and Maori unionists. As in the wider union movement, a push for specific representation of women, Maori and Pacific Island workers on SWF and SWU executives came about because the concerns of these members, who were the majority of the membership, were not being heard at the highest level of union decision making. The continuing struggle around standing committee representation, and the position of C&C officials on this, are examined later in relation to decision making within the amalgamated SWU.

### **Gender Equity via the State**

The predominance of men in C&C leadership and the strong class analysis espoused by some dominant personalities were reflected in the issues and strategies pursued. These were largely shared by H&HW leadership despite the feminist unionist views expressed by some lower ranking officials. This class analysis influenced the reception of the women's issues being raised by feminists unionists in the FOL and NZCTU.

C&C was not, for example, involved in the campaigns for equal pay and pay equity. At the time of the equal pay campaign, C&C officials' work on behalf of members was reactive rather than pro-active and focused largely on award negotiation and court work. The 1972 legislation brought a single rate for women and men in cleaning work which was implemented in awards. Pay differences between the typically male and typically female occupations covered by C&C remained unremarked.

By the mid-1980s pay equity campaign, C&C members were much more effectively represented by their leaders than previously, using negotiation and arbitration, backed by industrial action. When the Clerical Workers Association went to the Arbitration Court to test the Equal Pay Act's capacity to compare women's jobs to men's, C&C and H&HW officials were using the same Court in a more traditional way to argue the comparability of similar jobs in public and private sectors, and the comparability of the cleaning content in other occupations, such as kitchen hand or (at that time typically male) hospital orderly. This was the traditional arbitration game of relativities, at which C&C and H&HW negotiators had developed considerable skill. Although they stated clearly that women's cleaning work was underpaid, this was not argued in terms of gender discrimination and the value of a job's component skills regardless of gender.

*"They never said that's what they were doing because that's not the way you talked about these things. Yes, they were men and yes, they did think that women needed to be upgraded."*

*"Right at that time H&HW were involved in a pay equity campaign but it wasn't called that, to get parity for cooks in industrial cafeterias with tradesmen on site...with the support usually of other male dominated unions on site... That kind of thing was great but it wasn't with any kind of feminist analysis at all."*

As the Pay Equity campaign mounted in the late 1980s, however, H&HW women organisers and some SWF staff officials became active in it. When legislation was introduced in 1990, SWF's researcher submitted four claims, all within H&HW's resthome and hospital coverage.

*"The H&HW record in dealing with specifically women's issues like pay equity has been patchy and has really depended on the energy and time and commitment that individual women organisers were prepared to put in off their own bat."*

C&C did not join in the campaign. The difference between equal pay for men and women doing the same job and pay equity through measuring the comparable worth of jobs typically done by women with those typically done by men did not appear to be clearly understood by all C&C officials.

*"I don't think there has been an awful lot of discussion on pay equity with our members. Cleaners or caretakers, male and female, are on the same rate, there is no discrepancy."*

*"He thought that a pay equity claim would mean that cleaners would lose money, he didn't understand the law actually...If you got a pay equity claim for*

*cleaners he would then bounce it through all the other awards to make sure it flowed through...want the caretakers on 20% more to restore the relativities."*

A major cleaning contractor opposed the Pay Equity Bill on the basis of just this understanding of C&C tactics.

The equal employment opportunity component of the Employment Equity legislation was reasonably judged by C&C officials to be almost meaningless for cleaners. There is extremely little opportunity for skill development and career advancement within cleaning itself, and cleaning is most unlikely to lead on to other kinds of work, given the isolated employment and work hours needs of the vast majority of their women members. Discrimination as conceived in equal employment opportunity programmes focuses on the non-recruitment of women, and Maori and Pacific Islander workers, overlooking their active recruitment and ghetto-isation into low paying casual employment such as cleaning.

*"The problem of equal opportunity rarely arises in an industry like commercial cleaning in which everybody is a woman, and almost everybody is brown. You can't say the bosses are discriminating against them on the grounds of recruitment."*

H&HW officials were also more interested than C&C in the issue of sexual harassment at work, recognising that for women in hospitality, this was a very real aspect of working life.

*"Our trades are not traditional cloth cap trades, there are a lot of yuppy pubs where - without wanting to sound offensive - one of the qualifications for getting a job is the colour of your hair and the size of your tits."*

The line between the accepted requirements of the job and unacceptable sexual harassment could be quite thin, or drawn by members themselves at a different point than it would be for other occupations. In 1991, a H&HW picket at a Christchurch bar where scantily clad women were paid by the number of drinks customers bought them was strictly to support their right to a base wage under the award, not about the sexualised nature of the work.

Sexual harassment was added to grounds for personal grievance procedures in all C&C awards following its inclusion in the Labour Relations Act, 1987, but was not

picked up as an issue by C&C officials. For women cleaners, the physical isolation of most jobs reduces the likelihood of sexual harassment at work, which may account for the low level of understanding among some C&C officials. The C&C's first case in connection with sexual harassment, in 1990, was the defence of a Canterbury caretaker against procedurally incorrect dismissal for sexually harassing and intimidating a young school teacher. He received compensation for the loss of his job. Canterbury officials felt this older man did not realise the effects of his behaviour on the young woman, but the Board of Trustees was determined to terminate his employment. C&C organisers in other regions had a more developed understanding of the need to protect women against sexual harassment at work.

*"It's that generation thing, the boys can say what they like to the girls, it's always been like that and now it's changed...It was threatening behaviour as far as she was concerned."*

In 1990 the National Women's Committee of the SWF put out a booklet on sexual harassment for distribution by organisers to workplaces. Response from the affiliated unions varied.

*"It was interesting who took them and who didn't. Some kind of guide to their attitude to women as members."*

## **Union Education**

Feminist unionists in FOL women's committees and in some women-led unions such as the clerical unions had initiated education seminars for women on both unionism and gender specific issues like sexual harassment. With the establishment of the Trade Union Education Authority in 1986, union education became available to cleaners. C&C officials had not previously used union education with members. H&HW, with larger worksites and earlier moves to organise delegates, gave it greater importance. In the early 1980s, Canterbury H&HW had arranged delegate training sessions through the Polytech, and Northern H&HW had trained its own delegates. After TUEA subsidies became available, two education officers were engaged, one by Northern H&HW and one jointly by Wellington H&HW and C&C as part of the SWU amalgamation process.

The work of these educators was aimed at training delegates and increasing members' understanding of how the union worked, how it operated within the labour relations system and its role in negotiating with employers. They saw union education as essential to effective workplace organising through delegates.

*"Those delegates are as good as no good if they don't understand the issues, or what the award is..or that they have a right to act on behalf of other workers...Whether it is an industrial or an educational organiser, someone has to sit down with them and provide that education."*

With changes in labour relations and in education policy affecting school cleaners' employment, it was not uncommon for cleaners to ask for an organiser to come out and explain issues. However, the short time available to organisers on worksites meant that usually only immediate individual problems are focused on. Expecting organisers to explain and train effectively while also handling specific problems underestimated the time and skill involved in education work. SWU educators pointed out that educational seminars were part of the work of organising, particularly if they met the specific needs of members from one union, or members in the same occupational or industry situation. Seminars could also provide a more relaxed opportunity for members to share knowledge of their particular situation with union officials.

*"The advantage of getting them to a women's seminar with people from their own union is that they look to each other to discuss their own problems, the industrial issues at work, so they are actually organising as well."*

Wellington C&C organisers agreed that education was important to ensure that members had a broader understanding of their industry than was possible from their own work experience.

*"If you get cleaners from different companies together they will all have exactly the same problems, so we try to discuss why it is, we go through the whole tendering system. It's not just them, it's not just their boss. Whether he is a nice guy or a bastard, the same things will happen."*

There were particular difficulties arranging union education for C&C members because of the nature of cleaning work and the cleaning workforce. The usual full-day daytime format of seminars did not fit into their short working hours, nor were sessions outside of work time suitable. The burden of family and community responsibilities which many women workers carry was particularly high for Pacific Island members.

*"One of the difficulties for us is to get cleaners together, and to conferences and so on, because they have got kids during the day and they work at night...a tremendous amount of work just to get six delegates together."*

The high turnover of members also acted against developing a highly union conscious membership. It takes time in any occupation or job before an employee feels knowledgeable about her rights and committed enough to assert them. Cleaners who regarded the work as a temporary stop-gap, or as 'only' a parttime job were not easily motivated to protect either themselves or the labour market position of cleaning as an occupation.

*"The turnover negates that education process, they are out of the industry before they are at the point of having to stand up on their own two feet and fight for something."*

C&C officials reported that Pacific Islanders members quite often did not attend seminars they had registered for. Reasons were unclear but may include pressure of family commitments, the unfamiliarity of Palagi gatherings and procedures, and being expected to go to such sessions alone, rather than with a group of workmates or family, which would be more in keeping with Pacific Island norms. However, getting leave from employers for more than one member at a time was difficult. That member's workload was likely to fall on workmates. A solution to these problems being tried in 1991 was to arrange education on the same basis as stopwork meetings, and match worktime and locality, say, a two hour session on the Terrace, using contractors' usual transport to and from Porirua.

With union membership voluntary, an understanding of unionism and the development of union consciousness among workers will be needed before, not after recruitment. Some H&HW officials saw education as an essential precondition to organising and collective bargaining under the Employment Contracts Act.

*"I personally believe that if the education was done some years ago, the situation might not have been as bad as it will be. We are going to have to explain to them why it is important to belong to the union, what is a union, its purposes, very basic stuff."*

*"The union will have to make a decision about whether they want to make education a priority. We will be asking delegates to be organisers. You can't take people off the job and expect them to do that without some training. But*

*it's easier to see organising as where it is at, dealing with the immediate problems and bringing in the money."*

The more traditional union view generally held by C&C officials assumed a degree of class consciousness among those in low paid jobs. In this view an effective means of raising union consciousness among members was the direct experience of being involved in a dispute which personally affected them. Organisers found that the activity, discussion and solidarity arising from a dispute had a strong educative effect. Since the mid- 1980s, there had been an increasing number of such opportunities to learn while doing, which was likely to continue under the Employment Contracts Act.

*"There is a sense of identification among a group of workers (that)...exists where there has been a dispute...That's when people see that what you achieve is not handed down from above, it is something that they are part of achieving."*

After the dissolution of TUEA in 1992, SWU retained its educators, but it seemed unlikely that union education would be developed beyond the current level. If union education was seen by decision makers as delegate training, rather than the raising of union consciousness among ordinary members, as clerical officials saw it, the limited effectiveness of delegates in scattered, high turnover areas of membership like commercial cleaning might mean low priority given to education as a strategy.

### **The Cleaners' Unions and NZCTU Strategies**

The issues and strategies prioritised by C&C secretaries largely coincided with those prioritised by NZCTU leadership rather than those developed by feminist unionists. This was true to a lesser extent of officials of H&HW and the present SWU. However, representation of a low paid casualised workforce meant they too have expressed significant dissent on some issues. Differences arose at a concrete level over NZCTU policy more suited to occupations in the productive sector on large worksites than to low paid service work in scattered workplaces. The areas of greatest dissent were arbitration, sector unionism, the Compact and Growth Agreement, and response to the Employment Contracts Bill. However, similarity of analysis meant that at a broader level C&C officials, and officials of the fully amalgamated SWU, agreed with the NZCTU leaders on the best way forward: a party political route to a labour relations framework more favourable to unions, with a focus on the social wage.

Despite the good use made of arbitration, C&C officials expressed no strong disagreement with the arbitration/action trade off in the Labour Relations Act, 1987. Since strike action, or the threat of it, was also part of their strategy, they accepted the view that the movement as a whole needed to be weaned from passive to active tactics. However, H&HW officials shared the views of the clerical unions. Industrial action taken by well organised members in hospitals had been needed to defend their position, rather than advance it, and without access to arbitration two large sections of H&HW's membership had encountered severe setbacks in 1989. In their view, some form of arbitrated alternative to industrial action was necessary to protect isolated, low paid workers.

NZCTU's plan to restructure the union movement on industry lines (NZCTU 1988b; 1989a; Harvey 1992:66) was facilitated by the increased provision in the Labour Relations Act, 1987 for composite documents and the deregistration of 'second tier' agreements. C&C officials were involved in composite bargaining on a few large worksites where members were directly employed alongside members of other unions. On factory sites like Pacific Tyres and UEB, composites worked well. Factory workers were willing to stand behind the cleaners on small issues. Collective support developed because cleaners and factory workers were physically together, in the same building, at the same time with the same direct employer. These cleaners were men - unlike the clerical workers at Pacific Tyres who were excluded from union arrangements (see page 215).

However, in the estimation of C&C officials, such composite agreements, possibly leading on to industry or enterprise worksite documents, were suitable for at most 10% of their membership.

*"You can only go so far with these composites. You can almost count the number of workers we have got on factory sites that could work well within a composite agreement."*

C&C officials felt this strategy was irrelevant to the majority of its members, because cleaners did not share common interests, common hours of work, nor in many cases even a common employer, with other union members employed on the same worksite.



School cleaners had the same employer with other education occupations for award negotiation purposes. But after 1988 other aspects of employer responsibility were devolved to Boards of Trustees, workplace problems were different and, working outside normal school hours, members had little contact with members of other unions. Where education union strategies drew on professional concerns or class identity, C&C officials felt their members would be poorly represented. School cleaners threatened by contracting, for example, had received no support for their job security from other occupations in schools.

*"We believe that our cleaners and caretakers won't benefit from being in the same union as professionals. The general reaction is that we would just be swallowed up and their issues would take over."*

However, the teachers' unions began to work towards an education sector union. Amalgamation into this was discussed at meetings, but never put forward by the executives for formal vote by the membership. When firm proposals for an Education Sector Union were developed in 1991, plans were already under way for full amalgamation into the SWU, with education as one of five divisions.

*"Since then at meetings and on job sites all we have got is endorsement of that stance. I haven't found a cleaner yet that wants a single education union."*

*"Because of status (a single Education union) would be to their disadvantage, we are already treated like dirt, as afterthoughts...We have got a long way to go before it would ever work to our advantage."*

Cooperation with other unions in education continued to develop, however, particularly as bulk funding of teachers' salaries became an issue. Cleaners and other auxiliary staff were one stage further down the path of devolution and fragmentation to free up the state's own labour market in education (Hill 1993a).

*"We have a close link with the other education unions. We went through the battle of trying to maintain separate funding for cleaning and caretaking wages and operational costs, and we lost. Now teachers are going through the same battle."*

With regard to members in contract cleaning, C&C officials pointed out that industry or enterprise bargaining was 'not greatly relevant'. Its aim was to group together all occupations employed by one industry or worksite, so that collective wage negotiations could be tailored to the particular concerns or profitability of that industry

or firm. When cleaning was contracted out, however, employment responsibility was distanced; the industry or firm in which the cleaning was done was the client, not the employer, and stood in quite a different relation to the cleaner. The cleaner then had nothing in common with other workers in the client firm or its industry, apart from the physical premises, and little contact with them since cleaning was done outside normal working hours. Her main employment problems stemmed from the narrow profit margins and insecurity of the contracting industry, not of the client's industry.

Cleaning is required by most enterprises, large or small; like clerical work, the labour market for cleaning is not industry specific. When this market is reorganised through subcontracting, a particular contractor's business is likely to be spread across enterprises and industries. Their individual profitability is irrelevant; indeed, tight budgeting on their part is likely to be the reason for distancing the employment of cleaners. Contracting out has the effect of hiving off occupations from the main body of an enterprise or industry. Once distanced, the contracted services became an 'industry', as it was termed by C&C officials. Considered in that light, the occupational award was already an 'industry' document, but with cleaners as the central, not merely a peripheral, occupation being organised. C&C officials pointed to cleaners' hourly rates relative to other low skilled female dominated occupations as evidence that occupational unionism had served their members well.

In 1991 as the Employment Contracts Act was introduced, both C&C and H&HW officials predicted an increase in contracting out, to the detriment of cleaners currently employed in hospitals and schools, if the loss of awards with blanket coverage meant contractors could legally negotiate pay rates lower than those of direct employees. The first hints of National's proposals for separation of funder and provider in public health care made it clear that sub-contracting at all levels was intended.

H&HW officials thought it highly debatable whether reorganising health workers on an industry, Area Health Board or hospital basis would further hospital cleaners' interests more than the close cooperation between unions which had developing since 1989, discussed in Chapter 8. Like C&C officials, they pointed out that progress in working together did not always remove problems of attitude at the membership level. A

Northern organiser reported nursing staff not bothering to learn the unfamiliar name of a Pacific Island cleaner who had been on the ward for years; and nurses standing in picket groups well down the road from other workers during strike action. Cleaners could naturally be sensitive to such slighting and class prejudiced behaviour. In officials' view, if the Hancocks agreement, tailored more specifically to members' interests had increased their involvement in the union, an 'industry' union which would have to bridge the heterogeneity of class and interest representation among all health workers might well have the opposite effect on hospital cleaners.

C&C officials and officials of most, but not all, H&HW regional unions accepted NZCTU leaders' arguments about ensuring union survival and building union strength through increased organisation size, but not their plan for achieving it. The SWU amalgamation was out of line with NZCTU's (1989a) plan for 14 sector unions. This put most SWU members into Entertainment/Services (Food/Accommodation/Liquor; Sanitation Services; Amusement/ Recreation; together with Animal Care & Related; Personal Services; and Media Services), with hospital workers in a Health Sector Union and school cleaners in the Education Sector Union. Cleaners working for contractors would be Sanitation Services, with directly employed commercial cleaners sprinkled through all other sector unions.

*"In the divisions that the CTU put up SWU has a right to be in each one of those sectors, we have members in each."*

C&C and H&HW preferred to consolidate union organisation across the occupations and industries where they had developed. The SWU amalgamation effectively carried the unionisation of the main working class service jobs in the hotel and hospital industries across the full labour market for each of those occupations. The loss of blanket coverage awards and compulsory unionism under the Employment Contracts Act undermined such occupational closure, but SWU nevertheless brought together a membership with very similar problems in their labour market situation and employment relations. However, the NZCTU concept of industry unionism appeared to be based on the logic of product markets rather than labour markets, and its sector plan grouped employees with very different labour market power and workplace problems (Hill 1991b). It is hard to imagine grounds for industrial solidarity between

contract cleaners and film makers or authors, or advertising account executives (NZCTU 1989a:28).

Both C&C and H&HW accepted the Compact between NZCTU and the Labour government and the Growth Agreement on the recommendation of officials. This was closely linked to officials' political strategy of working through the party political system. Despite disillusion with Labour, members accepted the argument that a means was needed of giving the unions a voice in economic and social policy, despite doubts about the Compact's vagueness.

*"We took the Compact through our (SWF) delegates conference... They said they wouldn't support this compact but they couldn't not support a Compact in principle. That statement was used to back the 2%."*

C&C and H&HW officials supported the Growth Agreement as a pre-election strategy. However, as in other unions for service work, C&C officials found the concept of a 1% productivity payment inappropriate for their members.

*"I suppose to increase their productivity you put them on rollerskates and give them bigger feather dusters."*

Most C&C awards settled at 2.5% in the 1990 round. Some officials saw this as fairly realistically of what they would have achieved anyway. With inflation around 5% it amounted to a drop in real wages, however, so that some organisers did not see the Growth Agreement as in the best interest of members.

*"I am totally opposed to the 2%, it is nothing but a wage cut. Inflation is far higher than 2%. That productivity argument, what does it meant to our cleaners? They will have to work harder and faster and squeeze in more tasks in their three hours."*

As with the Compact, there was considerable criticism from about the process around the Growth Agreement. The deal was made between NZCTU leaders and the Minister of Labour, and afterwards endorsed at a meeting in Wellington by a majority of the secretaries of the unions, before memberships were given the change to vote on it. As some other officials commented:

*"They are the ones that went to the meeting, not members or delegates. So it was brought back and the executive endorsed it. And now we have got meetings three months down the track. It's from top down, then brought to the rank and file...It should be the other way round. When it is over a matter than*

*is pretty important, they just suddenly don't have time to take it to the rank and file."*

*"There have been some classic issues run by the NZCTU and some classic issues run by the Labour Party that have really defied what the rank and file membership wanted."*

While C&C and H&HW leaders generally concurred with the directions and methods of the NZCTU, there was some impatience with the bureaucratic slowness with which the organisation took up, for example, ideas to promote unionism to the public.

*"We get hacked off with the slowness of the CTU, talking about a February campaign launch. We said right now and that is why we design a lot of our own stuff, positive campaigns...The CTU's programme is too bloody slow in my opinion."*

Now accustomed to using industrial action to back claims and award rights, officials were impatient with NZCTU leadership with regard to the Employment Contracts Bill. It was the Wellington C&C secretary who advocated a general strike to follow the mass rallies of April 1991, against the more cautious and 'responsible' stand of the NZCTU president. Both statements received wide media attention. Both preempted the outcome of votes being conducted at the time among union memberships.

Like the clerical and nurses' unions, C&C and H&HW pursued an active strategy in relation to the state, but one focused on traditional labour relations concerns and aligned with the direction set by NZCTU leadership. Influencing governments to provide legislation favourable to unions' negotiating and workplace needs had been an important part of labour movement strategy since the 1880s. Although in the hands of C&C officials this was no feminist judo, the need to harness state power was recognised clearly by C&C officials.

*"It is the only way we can end up delivering. We can't deliver on our own because we are controlled by legislation, controlled by Acts of Parliament."*

Unlike the clerical and nurses' unions, C&C and H&HW pursued this strategy by working through party politics, through the traditional relationship between Labour party and labour movement. C&C had long been affiliated to and involved with the Labour Party. This paid off under the Third Labour Government when a separate award for cleaners employed in schools was negotiated between the Department of

Education and C&C. However, from 1984 the Fourth Labour Government rejected such pressure group politics and its own historic origins.

Despite cleaners' low socio-economic status and their objective class position as identified by officials, C&C's Labour Party affiliation was not automatic. It certainly could not be assumed by the late 1980s<sup>3</sup>. Capitation fees to the Labour Party were based on the percentage of members who voted in favour of affiliation. In December 1991 affiliation was reconfirmed by membership vote at a series of general meetings which also endorsing full amalgamation into SWU. Following shortly after a series of meetings to endorse the wage round settlement, some turnouts were extremely low.

*"There were very few people who attended that meeting and it was not a fair representation of a union of 3,500 (Canterbury) members. But that's the way it worked because I think it was depended upon by the officials and part of the executive that not many people come to meetings."*

C&C leaders had close personal involvement in the internal politics of the Labour Party, in an effort to influence policy formation and the decision making of Caucus and Cabinet. As Labour Party membership dropped abruptly in the mid 1980s in response to the policies of Rogernomics, the card votes of affiliated unions carried greater weight relative to Party branches - undue weight, according to the right of the Party. Labour Party involvement was expected of C&C staff. An applicant for an organising position reported being asked if she would campaign for Labour, at a time in Labour's second term when few people in the country would.

C&C and H&HW officials considered that the political goal of most importance to unions was a Labour government pushed back on the right economic and industrial tracks. This was the argument SWF officials, as well as NZCTU leaders, put to the membership before the 1990 election and the affiliation vote in 1991. It represented class allegiance clung to despite recent betrayals, but also an accurate assessment of National's labour relations programme. The policies of Labour and National governments were seen as confirming the need for closer linkage between unions and

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<sup>3</sup> In December 1992, Canterbury H&HW, which had not joined the SWU, disaffiliated from the Labour Party at the instigation of its delegates.

the Labour party, to be achieved at the highest level through the Compact, but also by the involvement of unionists in grassroots party politics.

*"Since the 1960s the union movement has moved away from the Labour Party and allowed the academics to hijack the thing. We lost the guts politicians...I've been saying to the membership, look, it's coming to the stage where you either get involved or you allow the Roundtable to walk all over us."*

Labour market deregulation hit school cleaners and public health sector workers doubly hard, since the government not only set the rules for labour relations but was itself an employer with an interest in lowering labour costs (Hill 1993a).

*"There is a general philosophy driving all areas and education is no different. If they want to fix the problems they are creating (politicians) have got to change their philosophy and I don't think they will."*

The union movement, including cleaners officials, pressed for a commitment by Labour to repeal the Employment Contracts Act which was not immediately forthcoming. In October 1991:

*"We are starting the work now, putting together some legislation, it is being done with the trade union movement, on a workable system."*

However, C&C leaders recognised the level of voter disillusion with the two main parties and began to support a change in the electoral system to proportional representation. They believed the SWU would be best served by having unionists active in all political parties, including the smaller ones, to ensure acceptable policies on labour relations.

*"You stay in with the Labour Party, but your lobbying strength grows...It's principally get the right policies in place, stick with them by all means, but don't be ashamed to link up with third parties that you know can get representation in the House, in particular if they reflect the views of our membership."*

However, officials' faith in Labour's return to a pro-union industrial policy and a more traditionally left economic policy was clearly stronger than their faith in the continuing state provision of a 'social wage', as attacks on government spending mounted along with the deficit. This was indicated in both the arguments for the Compact in which the need for input on social policy was emphasised, and in alternative, union-based services which SWF was heavily involved in establishing. This concern recognised the

relatively greater importance of the 'social wage' to low paid workers and the essential unreliability of state provision in times of recession.

*"Somebody in the community has got to do it, because governments are going to screw up the system...We want to ensure that there is not a new poverty class in this country."*

The Northern H&HW initiated the first South Auckland Health Centre, and from 1988 SWF helped establish other health centres and law centres set up under the auspices of the NZCTU.

*"In Porirua, I think cleaners are the most heavily represented group at the health centre, because we organise around it...plus it's a fact, it was set up because our members couldn't afford to go to the doctor."*

The SWF was also a prime mover in the IRIS superannuation scheme (NZNU was also involved) and Unimed health insurance, with household and vehicle insurance packages also being explored. SWF joined the Public Service Investment Society, making buying and banking privileges available to members. The superannuation scheme, modelled on successful union schemes overseas, was specifically designed by the unions to work well for women workers moving in and out of the workforce or between low paid, parttime, casualised jobs. It was fully portable and remained in effect whether or not the person was working, with contributions as low as \$5 a week.

This strategy brought together the importance of the social wage to low paid workers with the need to recruit members under voluntary unionism. It addressed the socio-economic position of cleaners and sought to make unionism attractive to members, not only for industrial representation, but by providing low cost services on the basis of bulk purchasing power.

C&C officials saw the need for the union as an organisation to communicate to members that well thought through strategies were being developed, in a clear and positive direction.

*"We have got to be up front, doing our best, put some positive stuff forward. All doom is no good, you have got to put a positive organisation, positive drive and the facts of life. We find people will stay with that."*



## Amalgamation into the Service Workers Union

By the late 1980s recession had affected many union memberships and voluntary unionism seemed likely under a future government of either party. Economies of scale, resource rationalisation and the greater political power of large organisations were argued as strategies for union survival, and as the grounds for amalgamation of C&C and H&HW into one national union.

*"People get depressed about things and worried about the next years and I've been saying to our executive, you are about to head into the most exciting period ever...If we have to restructure and shed labour, it's no different from what's happening to the members, we have got to experience that part of life."*

The regional unions of C&C already met the requirement of the Labour Relations Act, 1987 for a minimum membership of 1000. They were of sufficient size to support organising staff, but only unions of around 10,000 members in fairly concentrated workforces could finance specialised staff, such as a legal officer or researcher. Given the already close cooperation between C&C officials, however, transformation from a federal structure to a single national union at the same level of membership would bring little advantage.

The question of federation or amalgamation with the H&HW unions had long been under discussion. Initial approaches had been made C&C leaders during the 1984-1985 period of voluntary unionism. Amalgamation aimed to achieve sufficient resource rationalisation and organisational security to survive possible heavy membership losses in a deteriorated bargaining environment, while providing the capacity for specialised expertise.

*"It is the belief of some of us that we will be able to retain the services that we provide at present with a loss of income of about 40% from lower membership."*

H&HW was the union with whom C&C had most in common and with which officials had worked closely in the past, as covering the largest other group of cleaners. Amalgamation would unite cleaners into one union which could organise the whole labour market for cleaning and similar work. If unions' 'monopoly' coverage of particular workers was removed, as employers wished (NZBRT 1987), possible disputes between C&C and H&HW would be avoided. C&C officials foresaw a more

united and rationalised approach to organising both unions' members in boarding schools and to the much larger problem of contracting undermining more secure direct employment in schools, hospitals, hotels and elsewhere. It was hoped that amalgamation would facilitate a united strategy to squeeze contractors from both private sector and public sector sides. By 1991 the marketing efforts of the multi-national contract cleaning companies, the final outcome of the Shrubshall vs Hale case, the fragmentation of awards by the Employment Contracts Act, National's restructuring plans for health and lessons from Britain all pointed to this as the major problem of the future for both C&C and H&HW.

The model for SWU was the Miscellaneous Workers Union in Australia, which brought together workers in various kinds of serving work. C&C officials hoped that a better resourced, amalgamated organisation would improve connections with service work unions overseas, organising against the same companies contracting for service work world wide. Improved information about changing ownership and management tactics could be gained through such contacts.

*"We are part of an international family and it has some very good connections...It's the only way to combat it. Who virtually controls NZ? It is the trans-nationals through the monetarist policies and the banking institutions."*

For historical reasons, C&C and H&HW both had similar federal structures of regional unions to the clerical unions. On 1 April 1988 a combined Service Workers Federation was formed, with loose integration of policy and political matters and jointly funded research and legal staff based in Wellington. C&C members made up 23% of the SWF; H&HW members 74%. Shortly after, the smaller Community Services Union joined the SWF. In 1990 SWF estimated that its awards gave blanket coverage protection to 90,000 workers on 12,000 sites, an average of 7 per worksite.

Full amalgamation into one national union was on the agenda of some C&C and H&HW officials, but in 1988 such a centralised structure was not acceptable to all H&HW unions.

*"We wanted a national union but we couldn't win the H&HW organisation to that position, so we settled for the SWF."*

In the view of Canterbury H&HW, federation was sufficient:

*"The Federation is a good structure because it allows areas to retain their autonomy but you also have a centralised sharing of resources, centralised advocacy and you really had centralised policy...By keeping the control bureaucracy out of Wellington you had a lot more regional control from your own organisation."*

Within SWF, C&C officials continued to work as a bloc, often resolving their own issues without taking them for decision making by the full Federation.

*"In my opinion, personally and officially, C&C is probably the tightest union family in the country...While we have formal structures within the Federation, we have an informal structure outside it."*

SWF's 1990 Conference endorsed in principle amalgamation into one national union, and negotiations began. First C&C and H&HW amalgamated at the regional level in Auckland, Wellington and Dunedin. Because of difficulties which arose when Drivers and Distribution Workers amalgamated, the intention was for regional amalgamation on a trial basis, as a reversible step on the way to a fully national union. However, in late 1990 the change of government and the first drafts of the Employment Contracts Bill put full amalgamation on the fast track, with the support of C&C leaders.

*"We know we can work together, we have more in common than what parts us and we can do this job far more effectively as one national organisation...If they want to make it work it will work, if they want to stop it working, well it won't work."*

After endorsement by a round of membership meetings, the national Service Workers Union of Aotearoa came into being on 14 May 1991. This brought together:

- Otago/Southland Service Workers Union (1990 merger of C&C and H&HW);
- Canterbury, Westland & Marlborough Cleaners, Caretakers & Security Officers Union (a long established merger of unions in the original labour districts);
- Central Association of Service Workers (1990 merger of H&HW and C&C in Wellington);
- Northern Hotel, Hospital & Restaurant Workers Union
- Musicians Union
- Theatrical Workers Union
- Northern Dental Technicians & Dental Assistants Union (joined SWF in 1990)

One of H&HW's interests in the match was the dowry of cash and assets that C&C brought to the amalgamation. Although H&HW was larger, C&C was more financially secure, because of differences in strategy following the first period of voluntary

unionism. C&C officials tended to salt revenue away against future need. The more progressive H&HW preferred to spend revenue building delegate systems, providing education and seminars, paying costs and transport and involving as many members and delegates in union activities as possible.

*"We were kept well and truly alive by the compulsory fee system. Unions were able to spend a lot of money, send delegates away in large number to all sorts of things. Very good for democracy but also very expensive."*

*"It doesn't take long to get a stockpile. You just cut out all your delegates' activities and bingo, you've got money. But you haven't got your delegates."*

The proponents of amalgamation believed having one national union would solve what they perceived as deficiencies in the federal structure by allowing more logical demarcation between regional coverages and providing a binding decision making process. As in the FOL and NZCTU, formal votes within the SWF were 'card votes' based on membership size, so large affiliates tended to dominate issues, but regional executives did not always confirm and implement joint decisions. This had also been the situation in the Clerical Workers Association.

*"The affiliates had power individually. Northern H&HW and Wellington H&HW were the two biggest, so it didn't matter much what was in the SWF rules...The national federation was just an umbrella organisation, it didn't have real power, very different to a national union."*

Other SWF affiliates saw it differently:

*"They listed a number of faults and every single one of them could have been rectified within the Federation structure and weren't necessarily going to be rectified by a national union...By and large the debates within the organisation were pretty healthy, I thought there was a good discipline maintained."*

Canterbury H&HW and the smaller Nelson and Taranaki H&HW unions remained outside the amalgamation. Although members of the SWF, they resisted amalgamation both regionally and into a national union. The question for these unions was what their position would be, outside the SWU but within the continuing but much weakened Federation.

In Canterbury, H&HW officials felt the speed of the process had not given time to make a proper decision - just the view of the Southland Clerical Workers Union on the NZCWU amalgamation. They also had serious doubts about the benefits of

amalgamation to their own members. With over 5,000 members, Canterbury H&HW was well placed financially and mortgage free. On amalgamation, an additional \$140,000 of its revenue would go to the national organisation; a sum sufficient to fund three organisers. This centralisation came at a time when centralised bargaining was seriously threatened by legislative changes and health restructuring, and local recruitment and organisation was needed as never before. Membership of the SWF had provided specialised legal, journalistic and research staff based in Wellington, from where a centralised political strategy was best pursued. By 1991, however, Canterbury H&HW officials saw this as inappropriate to the new environment being created by the Employment Contracts Act.

*"Centralising in a decentralising environment is not really the right way to go, simply the accumulation of real power. Our position is that the journalist and the legal officer are better off in our office than based in Wellington."*

Some officials expressed doubts about the motives behind a larger, more centralised organisation. Opinions expressed strongly by Canterbury H&HW officials, and quoted here, were also the minority view of some officials in the unions which did join SWU.

*"Certainly it gives a larger power base for those who seek power. There are some uses for power - representation in the Labour Party or NZCTU...(but) when you increase the amount of power an organisation has, but then reduce the number of people that share in the decision making, we don't believe that is healthy."*

On amalgamation SWU had 69,000 members employed in the serving or preparation of food, drink, accommodation, entertainment, cleaning, physical help, and security, and was the largest organisation negotiating in the private sector. Service workers in hospitality, entertainment, health and community services share similar problems from the viewpoint of union organising. They lack both industrial muscle and social status; they are in jobs with low pay and low skill - or rather, low skill recognition. Many are employed on small worksites. Over the last 20 years of their employment has become increasingly parttime, staggered and casualised. A national SWU aimed to build union strength by uniting large numbers of workers facing similar issues in related areas of work. Organisers of cleaners predicted a closer sharing of experiences on both the similarities and the differences of their members' situations. In the view of a H&HW organiser:

*"The C&C bring a different perspective to it because their people tend to be split up around the place, much more difficult to get in touch...same with our home helps...Ours is a job centred organisation, theirs is centralised, that's how I find things."*

As other unions suffer difficulties under the Employment Contracts Act, SWU may pick up coverage simply because of its continuing size and viability. As already related, the dissolution of the NZCWU in early 1992 shifted some regional coverage of clerical workers to SWU. The Northern clerical union COMPASS and the Southland Clerical Workers Union amalgamated with SWU in mid-1992, as did the Community Services Union, forming divisions within the SWU structure. Both groups are strongly female dominated, but the additions increase the heterogeneity of occupation-based interests and perspectives within the organisation.

C&C officials expected amalgamation to make little difference to most aspects of their job, nor to members beyond a heightened sense of security through membership of a larger organisation. However, there was a reshuffling and integration of work organisation and responsibilities among C&C and H&HW officials. As with COMPASS, the transformation of independent C&C unions into just two of several industrial divisions in one national union meant loss of autonomy as well as the expected benefits.

### **Internal Organisation & Decision Making:**

The feminist critique of the union movement which arose in the mid 1970s was that, although women were unionised, they continued to be underrepresented among official positions, paid and unpaid, in the union. By the 1980s leadership as well as membership of the clerical workers unions was female dominated but, as discussed earlier, this was not yet the case in C&C or H&HW by the early 1990s. For this reason the SWU's national structure is examined in some detail to consider to what degree they allow the voices and concerns of women cleaners to come through to national policy level. The timing of this study means that no conclusions can be drawn on how well the new SWU will serve women members. In order to flag issues for future research, however, consideration can, however, be given to formal structures, informal processes and, in the next section, the struggle around those structures of specific

representation which were established to increase the input into decision making of women, Maori and Pacific Island members.

In the amalgamation process, doubts and differences arose between C&C and H&HW officials about organisational forms and what constituted democratic decision making. For officials of Canterbury H&HW, the largest SWF union remaining outside the national union, the two questions could not be divorced.

*"A centralised system in Wellington is at the expense of regions and at the expense of on the ground organisers...If you don't get your organisers, you lose delegates and don't get people coming to meetings, so once again the ideas of the leadership predominate."*

Labour legislation before 1991 traded state support of unions against a degree of regulation of their internal affairs, imposing minimums for financial accountability and democratic process. The Labour Relations Act, 1987 extended the requirement for democratic election of union executives and presidents to previously appointed union secretaries. This recognised the power that naturally accrues to a union secretary as the day-to-day manager and the officer best placed to put policy and initiatives before the executive for decision. A secretary's term of office was to be five years. Most C&C secretaries were old-style unionists with up to 20 years in the job. However, most incumbent secretaries of both C&C and H&HW were confirmed in their positions by membership elections. Northern C&C, referred to as 'a family business' by one unionist, underwent a generational change, as much in thinking as from father to son.

The rules of SWF affiliates were roughly similar to those of the clerical unions. Elected unpaid executive committees and paid secretaries, elected or appointed, were responsible for the business of the union, with ultimate authority resting with members voting at a set number of meetings per year. From the mid 1980s, H&HW delegates played a greater role in policy formation through an annual delegates' conference. In C&C and H&HW, secretaries, presidents and vice presidents of the regional unions came together through a federal structure to negotiate national awards and act politically. The SWF similarly brought officials of the affiliates together at a national level, with cooperation at the regional level remaining informal, unless or until particular

regions made the decision to amalgamate. The SWF formalised into its rules for the first time standing committees for women, Maori and Pacific Island members.

The SWU incorporated the unions into one national union on a much more integrated basis. Its internal structure consisted of three regions - Northern, Central and Southern - and five divisions - Hospitality and Catering, Education, Commercial Services, and Entertainment - with sections based on particular awards. C&C's former coverage became the Education and Commercial Services divisions, with H&HW's boarding schools included in Education. That is, although the amalgamation brought together occupations and enabled cooperation across the whole labour market for cleaning work, the internal structure had an 'industry' base. That is, divisions and sections reflecting earlier patterns of responsibility and negotiation, despite the expected fragmentation of national awards coverage. Divisions retained autonomy over industry strategy and action, under a local-to-national chain of command.

However, decisions about policy, finances and the allocation of resources would be made by a national executive, based on regional representation. While local and regional executives included representatives of each 'industry' division, the national executive was based on regional representation only. All non-paid officials have a background in the occupation or industry in which they work, but balance on the decision making executive at national relied on each industry group making sure its candidates are put up and voted in. There is no assurance that women cleaners or any other hard-to-organise or female-dominated occupation, already under-represented in regional C&C and H&HW unions, will gain a place on the new national SWU executive by this means.

However, standing committees for women, Maori and Pacific Island members were provided for. Their convenors, elected at annual hui, fono and seminars, were to be present on the national executive - with speaking rights but no vote. This point will be discussed in the next section.

In the election of officers, SWU rules went further than the 1987 Act, by including assistant secretaries along with secretaries as paid but elected officers of the union.



Ironically, the actual implementation of this structure came after the passing of the Employment Contracts Act, which contains no requirement whatsoever for democracy or accountability in either employers' or employees' organisations.

Terms of office, although renewable, were longer for paid officials than unpaid. This would appear to retain a certain control in the hands of fulltime paid officers. The structure also ensured sufficient positions with executive involvement to provide for all incumbent paid officers of the amalgamating C&C and H&HW unions. Some H&HW officials saw problems in blending the two union groups and were doubtful about how the overall direction of SWU would be affected by the allocation of personalities to positions in the new hierarchy.

*"So we have got the old Wellington H&HW style and the Cleaners style, which have really been in quite sharp contrast and now look at the personnel who are running our organisation...(With) divisional secretaries, key personnel in the hospitality division in the North Island are cleaners officials. A lot of the old Hotel personnel have been wiped out."*

While secretaries consult regularly with their presidents and other executive members, considerable power of initiative and recommendation continues to lie with secretaries, several of whom in these unions were particularly strong and persuasive personalities.

*"The expectation that any elected group...who are in their normal every day lives cleaners and waiters and hotel porters are going to be a match for someone got that position because of his ability as a speaker and negotiator."*

Amalgamation streamlined overall organisation from regional unions, each with its own executive and representation on the management committee of the SWF, to one national union. SWU's hierarchical structure was a much steeper pyramid with 13 votes on the national executive where formerly there were around 24. As Canterbury H&HW officials saw it:

*"With a smaller number of bureaucrats they are making some key decisions and really stamping their authority on them."*

SWU rules provided for democratic input into policy through membership votes at meetings at least once a year:

The supreme policy and decision making body of the Union shall be the membership freely exercising their will through their votes at democratically conducted meetings of members. (SWU 1990: Rule 15)

Members could also submit policy remits to the national executive who set the agenda for decisions at regional and national meetings. Special general meetings, at regional or national level, could be called by executives or by groups of financial members. Industrial meetings were called by officers of the union and, as was laid down by the 1987 and 1991 Acts, a secret ballot on striking could be called by any member who would be party to it.

Policy recommendations also came from annual conferences of delegates. Rule 22 required that 'in allocating its resources the Union shall give priority to establishing a programme of regular workplace visits...to elect Union delegates'. Delegates had a responsibility to 'represent the interests of the membership...to the Union and to the employer', in a clearly bottom-to-top representation, although this was to be 'consistent with the Rules and Policy of the Union.' This strong role for delegates mapped out in the rules was an ideal not easily realised, for reasons already discussed.

The rules regarding delegates reflect the outcome of an important debate in the amalgamation talks around democratic union decision making. The Wellington H&HW established an annual conference of delegates as the policy setting body for the union. C&C officials argued that fully democratic decisions could only be made by 'rank and file' members, through the traditional union method of general membership meetings or ballots.

*"It is a cumbersome operation. The whole organisation is geared towards the stopwork meetings, people organise for months to get good turnouts to them, hundreds of job meetings to explain what will happen at the meetings."*

H&HW practices stemmed from the view that, in practice, fully informed democratic decisions were unlikely to emerge from formal and hierarchically organised public meetings usually attended by only part of the membership.

*"We have a quarterly meeting system where supposedly the policy of the union is made. They are attended by a small number of generally the same people. In my view those meetings aren't a successful decision making process."*

*"You get one powerful speaker who stands up, puts the recommendation, puts it to the vote, everybody says aye and it's done. That used to happen in the H&HW."*

At such meetings the membership simply voted on what was put before them. While attendance at C&C worksite and other meetings about disputes or difficulties was usually high, general membership meeting attendance was variable, with a noticeable disproportion of male caretakers and security officers to women cleaners. General membership meetings allowed little room for the kind of full and equal discussion of ideas and workplace needs that experienced delegates could engaged over the course of a two-day conference. In H&HW such conferences had led to committees for women, Maori and Pacific Island members.

The C&C position prevailed in the SWU rules, with the delegates conference remaining a recommending body only. H&HW officials were ultimately unable to argue against the democratic principle of decisions being made by 'rank and file' members. C&C leaders saw this as a success for democratic process:

*"There has been more a push from C&C to put the power of the union in the hands of the members...We think it is a much better method of imparting information and getting decisions made than relying on some executive body or a delegates structure."*

However, some officials continued to express doubts about the actual practice of democracy under this structure, particularly with members for whom formal meeting procedures were unfamiliar or intimidating, or for whom English was a second language.

*"I went to some of those meetings (on the Growth Agreement). They wouldn't have said anything other than supporting the recommendation of the executive because they didn't understand the issue. That's what happens at stopworks."*

This difference of opinion on structures to some extent reflected differences in the organising situation of C&C and H&HW. The industrial groups organised by C&C had less effective, less well established delegate structures, for reasons of workforce distribution rather than organiser effort or union strategy. This situation might be improved but not readily changed. Lack of effective and experienced worksite delegates acting as a conduit between officials and the membership combined with the centralised and institutionalised nature of wage fixing in the past. Both acted against active participation in union matters and informed membership-driven democracy.

*"The argument from the old hands is that the workers don't want to, they are not interested, they never turn up at meetings...but if you don't educate them, how*

*are they going to know? A lot of decisions are made from the top, then taken to the rank and file who are encouraged to vote in a particular way. An example was the 2% (Growth Agreement)."*

In principle, the SWU structure allowed delegates to bring workplace concerns to conferences, where they might lead to policy recommendations. These then went to meetings of the full membership for endorsement, rejection or amendment into policy. The role of the executive was to administer between membership meetings the policy that the rank and file members had endorsed.

The more sceptical, however, suggested that there was always room for differences between formal rules and informal practices in all large hierarchical organisations.

*"The SWU certainly has a more democratic set of rules than us (Canterbury H&HW). I think it is really a matter of how we use rules. If you don't have a will to make genuine democracy work, you can use the rules how you want to."*

The democratic but necessarily slow and careful policy making procedure under SWU rules did not quite match up with recent important union decisions which had arisen quickly at the level of national politics, such as the 1990 Growth Agreement. The reality in such cases was that it was secretaries and national executives who decided.

Also significant for the gap between democratic ideal and actual practice was the origin of initiatives for decisions, especially major recent ones.

*"Some initiatives come from the executive, most come from the officials and that is where the information comes from."*

The amalgamation decisions, for example, were voted on by the membership, but the strong initiative for them came from the leadership. Some leaders continued to push for one national union despite earlier rejection by H&HW members in favour of the more decentralised federal structure in 1988. The Compact and the Growth Agreement were eventually endorsed by the membership on the recommendation of executives, but the initiative came from the NZCTU. The membership vote merely confirmed a political fait accompli by a corporatist NZCTU leadership.

Quite apart from the rights or wrongs of each strategy or decision, these situations point up the need for union leadership and full time officials to more accurately reflect the nature of the membership.

## **Gender and Race Representation**

One way in which the specific concerns of a female dominated membership - and of Maori and Pacific Island members - could be raised in the new SWU was through the specific representation provided by standing committees. These were patterned on NZCTU's structures for women and Maori workers. This organisational reflection of membership identity in SWU resulted from developments in H&HW and was given little support by C&C officials.

From the mid 1980s feminist and other progressive unionists within H&HW began to push for union leadership to recognise in its strategies and concerns the fact that the membership was predominantly women, including many Pacific Island and Maori women. A remit was passed at the 1984 H&HW Federation conference providing for a first women's conference in November 1984, and to organise it the first informal women's committee was begun.

*"A group of women delegates had got extremely frustrated... The boys seemed to be organising right around them and really not asking for any input whatsoever, and we were an 80% women membership."*

This national gathering brought together women from every affiliate to work out aims and objectives to be presented at the 1985 H&HW delegates conference.

*"Some of the affiliates deliberately sent women that they thought would be obstructive, and they were at the beginning. But the end result was we were all united."*

Central to these objectives, and a specific demand in itself, was the Working Women's Charter, already adopted as FOL policy five years earlier. The women's committee met vociferous opposition at the 1985 conference, particularly on the abortion clause of the Charter.

*"The arguments from the guys were just hair-raising in my view."*

The Charter was not adopted till the following year, but the 1985 Conference authorised a standing committee and an annual women's conference. However, the status of these remained informal.

*"We had a majority of male organisers on the staff...The senior positions and a large proportion of the executive were men, so the women's committee was seen as a way of getting women more involved, increasing their confidence, rather than any kind of feminist analysis and certainly no serious look at structures. It was just ad hoc, it didn't have any place in the constitution of the union."*

Women organisers got behind the women's committee and organised a series of women's seminars in 1986.

*"Some had a conscious agenda to get...a more feminist analysis into the industrial organising of the union, some just at a more gut level of there are too many men around here and that's not very good."*

When the NZCTU was set up in 1987, H&HW supported its separate structures for Maori and women. Yet its own committees were not formalised into the union rules when they were redrafted to comply with the Labour Relations Act, 1987. Only when the SWF was formed in 1988 were standing committees formally written into the rules, providing space specifically for women, Maori and Pacific Islanders in the organisational structure. The initial committee for both Maori and Pacific Islanders became two, on the suggestion of the Maori, as the two groups raised quite different concerns. Annual women's conferences, hui and fono were provided for and representatives from the standing committee were included as full members of the SWF executive.

The strategy by which this change was achieved paralleled that of feminist unionists within the Federation of Labour examined in Chapter 5. Policy change at the national level ensured the resources and organiser time necessary to encourage the building of similar organisation at the local level.

*"That (national SWF) women's committee enabled us to have a national conference and women's committee members hoped to get local women's committees at the affiliate level up and running."*

Even in 1992:

*"As far as the SWU is concerned, if it wasn't for the CTU national*

*women's committee still being in existence, I believe that our women's involvement would be even more seriously marginalised."*

Progress was uneven both regionally and between the different SWF standing committees. Nationally, the women's committee was the most successful of the three, while at the regional level the Northern Pacific Island Committee was strongest. Maori committees were the least well sustained, although annual hui were successful. But by 1992 there was a fairly strong Maori presence on Northern regional and district executives.

Low involvement from the C&C side was a feature of all standing committees. Only from 1990, as amalgamations began at the regional level, did C&C women cleaners begin to participate in seminars and other activities.

*"It was quite an on-going battle trying to get C&C women involved in our women's structures...There was absolutely no encouragement."*

Despite the relative success and continuity of the women's structures, and the interest members showed in women's seminars and issues like sexual harassment, some male officials still found it difficult to understand why women should be seen as a group with specific issues when women were the majority of the membership. Specific organisation around race gained easier acceptance, particularly in the North Island unions, and annual fono are well funded.

*"Again and again, it's 'I can understand why we have the Maori committee because I don't understand anything about Maori and that means I can go and ask them, and with Pacific Islanders.' But they think they know about women, so it's not an issue."*

In Wellington and Auckland Pacific Island committees operated as a focal point for networking between Pacific Islanders in the well organised hospitals. There was low participation from Pacific Islander members in hospitality and cleaning. This was because evening work hours and family commitments make evening meetings difficult to attend and, those involved felt, because there was insufficient encouragement from organisers for new members and more isolated groups of workers to participate.

*"I became a delegate (but) I actually didn't hear about the committee until some time later...At our delegates conference last year (1991) a lot of people hadn't heard about the Pacific Island committee, the women's committee and the Maori committee."*

An important purpose of the standing committees, readily supported by leadership, was to encourage women to participate more fully in the union at all levels, and also in their workplaces.

*"For a person like myself, who knew nothing about trade unionism, those women's structures were really vital."*

*"The main aim was to give women confidence, rather than to react to particular issues...That is the very first job, because they will repeatedly say, I can't do that, oh no, I haven't got the education to get involved. If we can turn those women around and let them know that they can do it, because they can."*

*"Really probably the nicest thing about the job was seeing women who were exactly like me when I first came in and I watched them grow...getting heavily involved and quite stropky...whereas in the past they would have sat quietly at the outside of the meeting and not even have spoken."*

In 1986 candidates from the women's, Maori and Pacific Island committees of H&HW were put up for elections to executive positions. However, progress was slow. In 1991, the Pacific Island convenor's report addressed to the 'SWU Men's Committee' pointed out that in the phase of transition to the SWU 13 out of the 16 national and regional officers of the union were male. Men continue to dominate paid union positions. In 1992 officials pointed to two new women divisional heads and an equal employment opportunity policy, but this progress lagged a decade behind other large female dominated unions.

Male officials recognised the importance of the standing committees in encouraging participation. However, they showed much more ambivalent attitudes toward issues raised by the women's committees which went beyond participation in traditional unionism to consider issues arising from the gendered nature of jobs, labour market segregation, or wider issues of concern to working women.

*"They wanted to know what we are doing at our meetings and on several occasions they said, I am sorry, you are not convening a national meeting to discuss this."*

*"A keenness and commitment to promote issues around low pay and to support childcare...but a great anxiety on the part of senior (male) officials not to have the union somehow labelled as feminist, because that would put people off. They were saying they knew better what women members thought than radical women organisers did."*



Women's issues were seen at best as marginal by some male officials, at worst as women organisers using the committee to further their own political agenda. In a unionist world crosscut by Labour Party, SUP and WCL loyalties and divisions, rapidly forming networks and friendship among like-minded feminist organisers and members were assumed by male leaders to result from 'united front' revolutionary tactics, with a suspicion out of proportion to actual small party affiliation, and continuing after both the WCL, then the SUP dissolved. The following two statements describe essentially the same process of solidarity developing between women unionists.

*"She started to use the committee process to put up her own ideas. She was seen to be part of another political group, that's the other side of the coin...There are some valid criticisms of the way (they) worked, if women or anybody take up that united front model of working."*

*"I enjoyed most of all meeting women from all around the country and finding that we had all those common interests and frustrations and needs...It was wonderful the closeness that was established when I think back how little time we spent together, yet how strong the bond was. Probably that has been our greatest strength. I could see it in the men's eyes at meetings, that look of almost dismay that these women were actually friends with each other."*

The Pacific Island committee also felt pressure to limit itself to strictly union issues rather than broader matters that were important to them as Pacific Island workers.

*"When I joined I thought the role of the committee was to help Pacific Island people in our union and also take issues of concern among Pacific islanders to the people at the executive level. But I have been told the standing committees were set up to get members onto the executive and that's all they were set up to do...The committee's sort of grown out of that, we discuss outside issues like immigration, overstayers, health and safety."*

They would also like to see more Pacific Islanders organising Pacific Island members.

*"Look at the number of Pacific Islanders who are organisers. There is only (two) and they don't cover the areas that are staffed mainly by Pacific Islanders."*

Officials agreed that having Pacific Island members on the executive was important, but saw this as a goal in itself, not a means of getting the weight of SWU behind Pacific Island concerns raised in committee. A uncontroversial example of low priority being given to the standing committee's concerns was the translation of awards into Pacific Island languages:

*"We were really fobbed off so many times...When we don't have people in the right place, in the executive, that's the time we find that issues are very hard to push...There is nobody at the moment."*

Women officials considered that less than wholehearted commitment by union leadership was a factor in the varying success of the standing committees; that specific organiser time and sufficient resources and travel funds were essential to service the committees, enable national contact and to demonstrating that SWU as an organisation was in fact determined to reflect its membership. The power of initiative lay with office holders, and this included considerable power over prioritising policies and allocating resources in an increasingly tight budgetary situation.

*"There were big arguments in 1986 about whether we could use some paid time to organise women's seminars and the directive was that we had to do it in our own time, that it wasn't real work."*

*"The reality is that you can have policies coming out your ears, but if people don't believe in them, then they'll ignore them. And again and again it happens."*

Amalgamation with C&C introduced a strongly conservative factor into the equation. Specific representation on gender and race had always been considered divisive by C&C secretaries and was initially opposed in negotiations towards amalgamation. When the SWU rules were rapidly cobbled together for registration before the Employment Contracts Act became law, the SWF standing committee provisions were considerably weakened. Most importantly, representatives on the national executive lost the right to vote. This was seen by women officials as a major step backwards, even though the vote in SWF did not give a great deal of strength.

*"The vote is one in a (membership) card voting system so you'll get 69,000 votes and one vote for women. But if initially they have a hand vote it has some strength. And I think it is important to just to get it then to fight for a better form of voting."*

*"This not having voting rights had been pushed through quite quickly, quite late in the piece before an effective lobby against it had time to get mobilised...For people outside the Wellington circle it happened before they had even heard."*

SWU rules as at 13 May 1991, hastily written at the highest levels of the union, were unclear and confusing on several points with regard to the standing committees. They did not specify at what levels the standing committees would operate. Standing

committee convenors were included on the National Executive 'with speaking rights but no voting rights', but not mentioned for regional executives. There was no right to annual gatherings. Regional executives 'may' convene an annual meeting, but no mention was made of national seminars, hui and fono which SWF had successfully held for some years. The expense of bringing together standing committees members for national gatherings had long been a point of contention. As women officials understood it, the intention was that standing committees should indeed exist at each level, and should attend and report to executives at that level, but not exercise a vote. The extent of participation in executive meetings beyond reporting was unclear.

*"It is a step back...because they are a separate structure that is forever accountable and getting nothing back. They report at every level but they never get a vote."*

*"If you are a Pacific Island woman you lose out twice...How do we participate in any organisation that gives us no vote? It is a bit like saying you can have a say about who will be government, but at the end of it being refused a ballot paper...We only want to keep what we already have - a vote."*

The rationale for denying this vote was one that had featured strongly in the Federation of Labour debates on structures for the NZCTU. It was that these women's, Maori or Pacific Island representatives should not vote because they were not democratically elected, since they had been elected by only part, not the whole of the membership.

*"Always the criticism has been, but they are not accountable, who are they accountable to?"*

As women officials pointed out, this argument ignored the fact that, like delegates and union officers, standing committee convenors were in fact elected by the members whose interests they were to represent. The committees provided a forum for issues specific to women, Maori or Pacific Island workers who were marginalised in both the labour market and their own union. As committees open to and representing a particular section of membership, they were no less democratic than any other membership meeting. Convenors were responsible to present the committee's concerns at executive meetings and to participate on general issues from an important specific perspective.

The loss of the vote was felt as a setback by women officials:

*"It is very despairing for those of us who spent a lot of time getting those structures...I don't think some people ever believed in them and this is a chance to get rid of them...They feel very threatened by forums that they can't attend."*

Like the women's committees, Pacific Island committee members felt themselves undermined and devalued by criticisms about representativeness. The Northern committee had been kept active through strong participation by hospital workers.

*"Sometimes I think we are not taken very seriously. Just things we hear like, oh well, we are not really representative of Pacific Island people because we all work in the public hospital, so how would we know? Not taken seriously because they believe we are not a proper representation of the people that we are supposed to be speaking for, which is not true."*

One suggestion to counter these marginalising arguments was to recruit more support for the issues raised by each committee through closer liaison between committees, and closer relations with appropriate executive members not involved in standing committees. This was made possible by the 'multiple identities' of SWU members - the majority of Pacific Island and Maori committee members were women, and a number of the women on the union's executive committees were Maori or Pacific Islanders. Issues raised by one committee could be fielded for support in other committees and come to executives for decision with more backing.

In 1992 support for effective standing committees was demonstrated by the general membership. Since the rules were unsatisfactory in more ways than just the right to vote, the standing committees were able to raise the issue first at the regional delegates' conferences, then at the membership AGMs. Their remit went for the lot. It included speaking and voting rights at all levels; annual national hui, fono and seminars; up to four national standing committee meetings each year for three representatives from each region; and the election of three national convenors. The remit was passed at one but not all three delegates' conferences, which meant it went forward to the AGMs without leadership recommendation. Nevertheless, it was passed with 93% of the vote in favour.

*"The leaders of the union could stand up and oppose it. But it was passed."*

This was a situation where members supported a construction of the collective interests of the union as specifically including 'women's interests', 'Maori interests' and 'Pacific Island interests', against a different construction of collective interests by union leaders (Offe & Wissenthal 1985) - and the membership view prevailed.

Interestingly, the Wellington women's committee flyer urging support included a remit about support for gay and lesbian workers. This seems not to have been unduly controversial and was carried on a large Northern vote. A remit on Equal Employment Opportunity policy within SWU was also carried with 98% in favour. These results indicate that concerns about the union alienating members by being 'too feminist' were not justified.

At the national level these standing committee changes added the voting power of three convenors to an executive of 10 national and regional presidents and secretaries.

*"That's a lot of voting power. If they hadn't been so arrogant as to think that we would lose it, they might have put up a compromise position which would have been very hard to combat."*

The central problem in the marginalisation of the standing committees and attempts by some unionists to reduce their influence was differences in perception about the purpose of the committees, which emerged in interviews. For feminist unionists and a few progressive men, the committees were needed in order to **develop and change unionism**: to enable the union to address issues arising from the gendered and racially specific nature of the work and the workforce.

*"It's not just affirmative action, getting numbers of women in there, it's a question of what they represent."*

Other officials, persuaded to accept and support changes in structure, saw the committees as **developing the members** within traditional unionism: encouraging the less confident, less union conscious sections of the membership.

*"It's really just to provide support to delegates to get into it and to feel comfortable in the organisation."*

Those who took the first view agreed the second was highly necessary, but did not see it as sufficient.

This second view of standing committees held by the leadership - and arguably a concern to contain committee activities - can be read from the wording and order of the standing committees' objectives laid out in SWU's rules:

The Standing Committees shall provide a focus for their constituency to encourage and promote unionism, encourage participation within the Union, initiate education programmes and other activities of particular concern to their Committee which are consistent with the policy and objectives of the Union, promote the concerns of the Committee to the Regional Executive and National Executive with practical proposals for the achievement of the Committees' objectives." (SWU 1991: Rule 32.2)

The rules stated the union's objectives in strong terms of 'working class unity and solidarity' (Rule 3.3), but include for this purpose as one of its powers 'to work for the elimination of sexism, racism and all other forms of discrimination and oppression and inequalities in the workforce' (Rule 4.11). Thus, concerns of gender and race are officially subordinated to a class analysis in SWU's rules, with:

*"Some attention to women's issues, to fit that progressive image...I see it as a strategic commitment to women's issues and not a real commitment, because most of the people who hold power don't actually understand what a real commitment would be."*

This discussion of structural changes and dissent in the union's internal organisation is not intended to be unduly critical of the SWU.

Rather it presents a picture of a union organisation in mid process of change towards reflecting the gender and racial mix of its membership in its structure, its leadership and its policies. This is a process which some other female dominated unions underwent in the early 1980s, and which some unions have yet to begin. A woman engaged in similar struggles in another set of New Zealand institutions referred to this process as achieving the 'critical mass' of women active in an organisation which is needed to achieve representative leadership. Amalgamations, restructuring and pressures from legislative change have contributed to a very fluid situation in SWU, which may - or may not - speed the process of this change.

The gender and race dynamics of SWU are of particular interest to this study because they capture in microcosm the politics around gender and race in the union movement as a whole. SWU's standing committee structures mirror those of the NZCTU which,

as discussed in Chapter 5, resulted from a similar debate and considerable struggle within the Federation of Labour in the mid 1980s. In a small and more easily examined way, the internal changes of the SWU to represent its membership by gender and race also present a microcosm of radical political changes in the wider New Zealand society.

### **The Impact of the Employment Contracts Act**

By mid 1992 all awards formerly negotiated by C&C and H&HW had lapsed and negotiation of collective contracts had begun on an enterprise by enterprise basis under the Employment Contracts Act, 1991. Differences of outcome in these negotiations arose from two factors: the degree of workforce fragmentation, and the interests of employers. Workforce concentration and organising logistics determined the degree of resistance possible on the union side of negotiations; however, the Act significantly shifted the balance of power towards employers (Anderson 1991). It was employers' strategies, not union strategies, which determined the form contracts took. And it was success or failure to achieve a collective contract that largely determined the pattern of membership loss or retention.

By June 1992, SWU membership - and revenue - had dropped 32%. At October 1992 detailed membership information was not yet available, because of the very fluid situation and because of temporary data chaos as all SWU accounting was transferred to a new computer in Auckland and reorganised. However, officials were able to estimate losses in each area of union coverage.

Where large collective contracts had been achieved, on well-organised large worksites such as public hospitals, most major accommodation hotels and Air NZ, membership remained close to 100%. Losses were highest in the areas of greatest workforce fragmentation - particularly in tearooms and restaurants where the award had lapsed immediately in May 1991, and in those small hotels, pubs and clubs where collective contracts had not been negotiated following the expiry of the Licensed Hotels award in early 1992.

The three major membership areas of former C&C award coverage - commercial cleaning, school and security - were well served in negotiations because of employers' own preference for a multi-employer form of bargaining. Estimated overall membership loss in these areas was less than the SWU average - around 20%. There were few resignations; most losses were in small **commercial contract cleaning** firms for whom satisfactory collective contracts had not been settled.

In 1991 C&C officials approached the Master Cleaners Association to propose a multi-employer employment contract for commercial cleaners. They argued that this would act to provide a stable floor for labour costs under the highly competitive market for cleaning contracts. Because of continual tendering for contracts in the industry, commercial cleaning firms were very vulnerable to price undercutting through the use of non-union or cheaper labour by competitors. It was in the industry's interests for employers to continue to bargain as a group to avoid a downward spiral of wage rates, contract competition and cleaning standards. Cooperation with the unions:

*"...is not insane at all, it is in their interests. In that type of contracting industry, without a national award they are finished...We are talking to employers already, that we can guarantee industrial peace, if they will play the game."*

*"We have got a common enemy, you see. People that quote way under the standard rate to clean a building bring in labour and pay them below the award rate. It doesn't benefit anyone, the client pays because the standard drops, the workers are treated like slaves and for the employers it causes disruption and puts a black mark on the industry."*

In February 1992 a multi-employer contract was settled which was signed by all the major contracting companies, covering around 80% of the workforce in commercial cleaning. The small number of companies dominating the industry made it easier for cleaning employers to come together on this, against the tide of legislation and Employers Federation policy, than for the thousands of office or restaurant employers. The multi-employer contract negotiated included agreement on union fees deductions and organiser access to worksites, and membership continues to be solid. Wage rates were maintained, but in line with Employers Federation policy, penal rates were cut, from time and a half to time and a quarter until January 1993. After January 1993 no penal rates would be paid. However, since most cleaning is done between Monday to Friday, 90% of cleaners were unaffected by this change. The main group



whose pay would be reduced by the loss of penal rates were cleaners in shopping centres and supermarkets.

It was no coincidence that employers in security also agreed to a multi-employer contract. This was also a highly competitive contract tendering industry with a small number of companies. Both chose the option under the new legislation that was closest to the old award that had maintain stability in their industries. This option was of course preferred by SWU officials, although it was not an option they themselves could choose under the Act. Multi-employer bargaining allowed them to represent a large section of membership through just one contract negotiation, rather than fragmenting into separate contracts with each commercial contractor, as had been the case for most sections of SWU membership and for the clerical unions.

However, under the Employment Contracts Act, the contract agreed by large cleaning contractors could not provide blanket coverage of the small competitors who remained outside the multi-employer contract, as was their right under the Act (S. 18(2)). Some of these had as many as 10 employees. By mid 1992 little headway had been made on collective contracts with these, who were likely to see deunionisation of their employees and lower rates as a way to undercut tendering by the market dominant multinationals.

*"My opinion is that employers who are outside of multi-employer contract are real bandits, they are not willing to negotiate collective contracts for their people...There are already people out there on wages below the old document."*

Since the award lapsed, organisers reported spending more time on individual problems with these small employers. Some 'rats and mice' employers were well known to the union as bad employers; others were 'new brooms' picking up the small 'key' jobs (e.g, 20 minutes per site) and beginning to encroach on larger jobs.

*"It's sometimes just bosses with contracts that are too big for them, a husband and wife team who take someone on and don't really understand what they have to pay or leave requirements."*

Blanket coverage and the union's right to enforce awards had allowed officials to intervene and protect cleaners' rates and conditions. Now, where no collective contract exists, only statutory minima applied to new employees. Organisers reported

that some employers had little knowledge, or little concern, about employer obligations, even on such matters as ACC, leave or holiday pay. Nor was the state enforcing its employment related Acts. SWU was receiving complaints about Minimum Wage Act matters referred to them by the Labour Department. Some complaints involved unemployed workers sent to jobs subsidised by the NZ Employment Service whose officers did not see contracts, rights or employer obligations as their concern.

The disproportionate amount of organiser time spend on such problems meant less attention for the cleaners covered by the multi-employer contract who made unionisation of the industry viable.

*"The Crothalls cleaners pay to fund the union, just on the numbers, and they are not getting the visits, because it is these other people who are being sacked or sexually harassed or paid \$4 instead of \$8.60."*

However uneconomic of effort it might be, the role of SWU officials in protecting and policing the deregulated fringes of the labour market for cleaning was vitally important. Without blanket coverage of awards or contracts to regulate the 'rats and mice', officials realised that undercutting on wage rates and conditions would make the multi-employer contract unsustainable. These employers could destabilise the market for cleaning services - to the detriment of large employers, as well as SWU members. Whether fully regulated or fully liberalised, the labour market is the focus of workers' collective concern, not just terms of employment for individuals. The more casualised and insecure the employment, the more important this focus on organising the labour market becomes.

**In factories, local authorities and airports** the small percentage of directly employed cleaners were incorporated into new collective enterprise contracts with their employer, usually negotiated by the dominant union on site. How well cleaners' interests would be served by this would depend on the fortunes of the particular industry and on the interest which the representing union did or did not take in its minority cleaning members. In the debate on industry unionism this is the situation argued against by unions for occupations, like cleaning and clerical work, which 'span a range of industries (Hill 1991b). Some cleaners directly employed on small sites were likely to be lost from representation by any union, along with cleaners employed by contractors

who do not join multi-employer employment contract. Without union coverage Against a background of high unemployment, SWU officials feared that falling pay rates for these cleaners will act as a drag on the labour market for all cleaners.

In **school cleaning**, union membership remained very high. Less than 30 resignations were received in the month following enactment of the Employment Contracts Act. A small reduction in membership in the months that followed was due to new staff not being recruited quickly on scattered school locations while officials' attention was taken up with difficult negotiations.

Centralised collective contract negotiation was maintained for school cleaners. As the Education Services award neared expiry, the SSC announced its intention of devolving responsibility for contract negotiation for non-teaching staff to the Board of Trustees for each school. This would fragment C&C's one national document into 2,700 negotiations, school by school: 'a bureaucratic nightmare' for the union. Opposition came from the schools themselves. Boards of Trustees were reluctant to add the role of labour relations negotiator to their voluntary workload. C&C officials canvassed Boards and encouraged them to resist further devolution of what schools saw as the State Services Commission's responsibility.

*"The feedback from the vast majority was that we didn't get into this to negotiate employment contracts. We are here for the kids' education."*

SSC agreed to negotiate a multi-employer contract with SWU officials. Individual schools could then opt to sign this, or negotiate their own contract within State Services Commission guidelines. However, the State Services Commission's first proposal cut allowances, overtime, leave, penal rates and holidays, and in June 1992 school cleaners and caretakers voted by a 95% majority for a 2-day strike. The main concession in the final contract was on penal rates. Full union rights of access and information were included in the contract. Since the great majority of schools have signed the contract, for C&C officials it represents a base position on any collective contract proposed by an individual school.

*"Any schools that try to undercut what we see as the bottom line now will be in dispute straight away."*

The State Service Commission's attempt to devolve contract negotiating responsibility to individual schools was glossed as the next step in self-management under the Tomorrow's Schools policy (Lange 1988: NZ Taskforce 1988). However, it was also the implementation of an Employment Contracts policy in the state's own labour market, with the aim of fragmenting national occupational awards in the state sector (Hill 1993a). The outcome for school cleaners differed from that of nurses employed by Area Health Boards, however, because the interests of Boards of Trustees and school cleaners coincided; both preferred the continuation of centralised wage negotiation and one national document.

The resulting optional multi-employer document can be seen as success, failure or compromise on the government agenda. Penal rates were removed by the SSC, but school cleaning, like most commercial cleaning, is a Monday to Friday job. Take home pay was unlikely to be affected. A caretaker coming in on an occasional Saturday or Sunday was likely to be working more than 40 hours and paid overtime. The concession, like the negotiations, was ideologically driven.

*"It was quite clear that there were things they would move on and things that they had been told were not negotiable."*

C&C officials saw clearly the contradiction between rhetoric about choice and a closer relationship between employer and employee, and policies to contain the government's deficit through state budget cutting.

*"On the one hand, (the Minister of Labour) is saying he wants every employer to sit down and negotiate with employees and work out the best deal for them. On the other hand, he says it is totally appropriate for him to be very centrally involved in the process."*

Because of the coincidence of employers' interests and union interests, then, in areas of former C&C coverage the outcomes of first negotiations under the Employment Contracts Act were considerably better than might have been the case. In 1991 it had seemed likely that these awards would fragment into enterprise negotiations with individual commercial cleaning and security companies and 2,700 schools. In the event, multi-employer contracts covering the bulk of the membership were continued. This meant that, until 1993 at least, organising and negotiating logistics have not changed greatly and membership was maintained at 80% of levels under compulsory

unionism. These cleaners could have continued to operate viably as an independent union, rather than amalgamating into the SWU to gain a larger organisational base as a strategy for organisational survival. However, in the opinion of their officials:

*"That would be a very short term view. It could easily have gone the other way."*

In **hospital coverage** it was again the strategies of employers - and that largest employer, the state - that determined the form of bargaining, while the concentration or fragmentation of the workforce determined the degree of resistance to decollectivisation that was possible. In negotiations in 1992 the situation of SWU members paralleled that of nurses in both public and private sectors. Changes which traded penal time payments into base rates were no mere ideological concession, as for most cleaners in commercial contracting and schools, but had real effect on the earnings of SWU members.

Public hospital cleaners, along with kitchen staff and orderlies, continued to be the backbone of SWU organisation, as they were for H&HW. Unionisation remained close to 100% and sites were well organised with delegates. These members were strategically well positioned for effective industrial action to support collective negotiations.

In the second half of 1992 14 separate contracts were settled with 14 separate Area Health Boards. From 1993 negotiations would fragment further into contracts for 23 Crown Health Enterprises, plus however many private sector enterprises were successful in securing contracts. Whether directly employed by the new 'health provider' or by sub-contracting commercial cleaning companies, these cleaners - and other health workers including nurses - will find themselves in the same insecure situation as commercial cleaning members, with disputes arising from the change-overs in health service contracts. In early 1993 when this research was concluded, it was an open question whether a multi-employer contract for cleaners will be achieved with CHE employers, or whether the large commercial cleaning contractors would wish to retain the multi-employer employment contract, if separately negotiated lower rates could help win a major cleaning contract in public health.

In the private health sector, SWU membership dropped around 30% by mid-1992. Losses reflected the fragmentation of the workforce, with greatest losses among those working on smaller worksites, particularly in resthomes. Here the negotiating situation paralleled that of private sector nurses, as employers pushed for decollectivisation.

In private hospitals and resthomes, negotiations fragmented to an enterprise basis. SWU members and NZNU nurses had to take industrial action to back their right to a collective contract under the Act. This was despite the fact that private surgical hospitals were expanding, and geriatric care being shifted into the private sector attracted a government subsidy with a specific component for increased labour costs of 2% in 1992 and 4.5% in 1991.

*"They can use it to increase wages or the number of workers. They have done neither and in fact they are after the penal rates and sick leave."*

For SWU members as well as nurses, private health employers used the Act to cut labour costs in order to position themselves competitively for National's proposed contracting out of public health services. The emphasis was on breaking down collective solidarity through negotiating individual rather than collective contracts, and on cutting penal rates.

*"Even when you get 10% on the hourly rate, some of those workers are going to lose 20-25% of their wage packet."*

*"There is no such thing as the freedom of the worker and the employers to work out a mutually agreed position. There is huge pressure, coming indirectly from government, on those private sector employers not to pay an increase on the hourly rate in lieu of penal time."*

The result was extreme difficulty in negotiating collective contracts, intimidation and an increase in personal grievances taken by the union. In late 1992 Southern Cross was still insisting on individual contracts. The two largest religious and welfare hospitals in Auckland were as difficult with SWU members as they were with nurses. They side-stepped union delegates and officials on negotiations, re-rostered and threatened dismissal to get staff to sign, and hired new staff on a contract already rejected by existing staff. In Auckland, Presbyterian Support Services and Methodist domestic staff joined nurses in the hunger strike to exert moral rather than industrial pressure in support of their right to a collective contract.

One religious and welfare resthome employer denied union officials access while staff were pressured to sign a contract cutting wages by up to 27%. Some resthome employers proposed clauses that gave the employer a unilateral right to vary the terms of the contract simply 'according to circumstances'. Another negotiated a non-union collective contract at a good rate of pay which incorporated penal rates and leave. Within months he had broken the contract and reduced rates, telling employees who objected that they would be rostered off their usual shifts and might prefer to resign.

The NZ Resthome Association, to which these employers belonged, was promoting a model contract which not only removed penal rates but reduced the minimum break between shifts to 8 hours and put employees on one hour's notice of termination of employment. Current practice in many of SWU's casualised occupations was a minimum two days' notice; already well short of the usual expectation in NZ that the period of notice corresponds to the period of weekly, fortnightly or monthly payment.

*"This Employment Contracts Act was to be the great leap forward, how we were going to get a quality skilled workforce - on one hour's notice of dismissal!"*

Despite these examples, some private health employers recognised that forcing down wages would lower the industry's standards of service. It was also likely to lead to reduced wage-tagged subsidies from a budget-cutting government. These employers did not want a low skill, low wage, low fee industry, and negotiated 'roll-over' contracts with SWU. SWU officials planned to inform the Labour Dept, Social Welfare Dept and Area Health Boards which hospitals were treating staff badly, and to lobby future 'funder' bodies to favour employers with fair employment contracts and 'good employer' relations.

**Hospitality** was SWU's area of greatest de-collectivisation and membership loss - with the greatest losses in just the areas where award talks had broken down in 1989 without access to compulsory arbitration. The large worksites of the major accommodation hotels remain well organised, despite negotiating difficulties. Membership in licensed hotels dropped 20-30%, mostly in small hotels but also in large chains with uncooperative employers, where resignations tended to come in batches. Collective coverage in tearooms and restaurants, other than the fast food chains, became extremely low.

In the large tourist hotels, progress had been made towards an agreement with a recognised and transferable career training structure to benefit both workers and the industry. This was incorporated into a proposed multi-employer contract to replace the Major Accommodations Hotels award. In August 1992 workers at several Auckland large hotels voted for industrial action in support of this national multi-employer contract, with existing conditions and overtime rates. A contract which incorporated penal payments into higher hourly rates and recognised skill improvement was then agreed by employer negotiators and ratified by meetings of the membership, in preference to a 2% wage rise. However, the employers then reneged on this and opted for individual enterprise contracts. The SWU saw this as a backward move not only for its members but for NZ tourism.

*"For the first time the tourist industry in NZ had started to see itself as a career...That's been blown out of the water."*

In August 1992 several hotels were offering employees collective contracts which were not negotiated with SWU nor directly with employees. Staff were 'free' to sign or to remain on existing terms and conditions. Officials suspected that in the international chain hotels pressure had come from Australian superiors to use the legislation to cut costs. SWU officials organised a mass stopwork meeting in response and the situation was also raised at stopwork meetings by Australian hotel unions.

Hancocks, the pub and restaurant chain, put all its workers on individual contracts. Despite declaring a \$71 million profit, they offered an unacceptable collective contract that cut penal payments and allowances, introduced youth rates and a unilateral right to cut any employee's hours on a week's notice. A similarly unacceptable collective contract, removing conditions and union rights, was being recommended to employers by the NZ Hotel Association. This was undermining union negotiations, although some licensing trusts and other employers negotiated in good faith. The Hotel Association's recommended strategy was to deal with workers individually, or offer contracts which give existing employees some protection but put new employees on lower rates. Under the Employment Contracts Act, if no collective contract was agreed, existing employees retained their existing rates, penal rates and conditions on 'assumed' individual contracts. However, this meant that, in a high turnover industry, new workers could be hired in individually at much lower rates of pay and conditions.



*"So they are setting up two classes of workers in the hotels."*

Organisers reported that existing employees were being disadvantaged through rostering or coming under personal pressure, as managers come to see them, not as experienced and valuable workers, but as relatively expensive employees and therefore less desirable to retain.

The situation in hotels in 1992 paralleled that which had developed the previous year in tearooms and restaurants, where H&HW's award had lapsed immediately on enactment of the Employment Contracts Act. This area of high turnover, parttime employment was SWU's greatest area of deunionisation. A membership of around 22,000 dropped to less than half, with few restaurants covered by collective contracts.

*"If you started work after 15 May 1991, all you have is the statutory minimums unless you have a separate negotiated contract, and our success rate in terms of getting new collective contracts has been low. Appallingly low."*

The best membership retention and most successful collective negotiation of former Tearooms & Restaurant Award coverage was in the multi-national fast food chains - an example of employment and ownership concentration as a primary organiser of workers (Offe & Wissenthal 1985:176). These employers had been the stumbling block in settling the Tearooms & Restaurants award in 1989 and two had already negotiated their own enterprise agreement before the Employment Contracts Act. By mid 1992 three of the four major fast food chains had collective contracts with SWU, although one had first attempted a non-union collective contract. Despite high turnover, short shifts, youth labour and employer discouragement, unionisation was around 65%. Georgie Pie was the odd one out, with a non-union contract containing low junior rates. These low labour rates threaten the market position of the cooperating fast food chains. Georgie Pie's anti-union stance was odd, in that supermarket and variety chains owned by the same Australian parent company had been quite cooperative in negotiations with the Distribution Workers Union.

The Employment Contracts Act increased the negotiating power of employers, allowing them a wider choice of contract forms. In most areas of SWU coverage, the employer's choice of contract form reflected the strategic strength or weakness of

SWU members in that industry. Their preference, in line with the recommendation of employers associations, was for the least collective form possible. A number of groups threatened or took industrial action in support of a collective contract; not all were successful. Even the strongest groups of workers were negotiating to defend their present position against the cost cutting strategies of employers. This situation was made possible by the changes to bargaining under the Employment Contracts Act, by its interpretation in the courts<sup>4</sup>, and by the economic background of 15.5% joblessness.

However, some employers have chosen, for reasons of management strategy on fronts other than labour relations, to negotiate collectively as employers, in the closest form to the old award available under the Employment Contract Act. In the two industries based on tendering for contracts, the employers recognised that an increase of competitive in their labour market would undermine competitive stability in the market for their services. However, without blanket coverage of all employers, their multi-employer contract was itself an unstable solution. In the third case, Boards of Trustees joined cleaners in resisting the fragmentation of negotiations, since they did not agree that shouldering this additional burden of devolved employer responsibility would benefit their schools.

Union membership losses were greatest on worksites where enterprise based collective employment contracts were not achieved. Membership remained highest where a multi-employer contract was achieved and/or on large well organised worksites, suitable for traditional methods of union organising. While membership fell 32% in 1992, there were nevertheless members joining or rejoining the union as they encountered problems with their employer.

*"Our best organising tool is the actions of the employer. When the boss comes around and says I am going to knock your hourly rate back by \$2 an hour, they want to join the union very fast."*

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<sup>4</sup> Two Employment Court cases have upheld employers' right to use a 'partial lockout' to force employees to accept a contract. In the Community Services Union vs. IHC case, employees were 'locked out' of certain current conditions which the employer wished to drop from a collective contract. In the Northern Local Government Officers Union vs. The Yellow Bus Co. case, by a similar process employees were forced onto inferior individual contracts.

Underlying deunionisation in SWU's areas of coverage were the same problems which the clerical unions experienced; problems of organising and negotiating for fragmented groups of isolated workers on small worksites with uncooperative employers. The effects of labour market deregulation on the most fragmented and traditionally weakest sections of the workforce had already been indicated by the awards negotiations which broke down in 1989 without the backup of arbitration. The greater adverse effects of the Employment Contracts Act on low paid women workers was eminently predictable.

*"Us, the clerical and the shoppies always stood to be the most vulnerable."*

## **Conclusion**

Under the traditional system of national awards, centralised negotiation backed by clever use of court arbitrated relativities was sufficient for C&C officials to deliver wage improvements to members. From the mid 1980s C&C's negotiating position, the interpretation of awards and members' employment security were increasingly backed by industrial action. However, building workplace organisation through elected delegates and regular organiser servicing received attention only in the late 1980s. High employment turnover, scattered worksites and the difficulty of physical access limited the effectiveness of this for C&C cleaners, relative to cleaners employed in H&HW's large hospital and hotel worksites.

Had C&C awards fragmented to separate enterprise bargaining, membership losses under the Employment Contracts Act would have been severe. Contract negotiations in commercial cleaning, dominated by multinational companies, could have met the difficulties encountered with the large accommodation hotels, but it would have been much harder to maintain members and organisation on scattered client worksites. Had the award for school cleaners broken down to the enterprise contract level, the situation for both negotiating and organising would have been difficult and closer to the situation for negotiations in small hotels, restaurants or, indeed, offices. However, for the three main areas of C&C coverage, employers' own interests in maintaining stable labour costs determined the outcome of multinational contracts and continuing high union membership.

Facing voluntary unionism and the Employment Contracts Act, C&C amalgamated with H&HW to form the SWU. The organisation of former C&C cleaners is no longer occupational, but nor is it really industry or sector based. SWU brings together a number of service sector occupations, all in the 'secondary' labour market; that is, working class service occupations. From the viewpoint of labour market segregation theory, this can be seen as bringing together similar kinds of people likely to compete in overlapping labour markets for service work, who share similar employment problems: low industrial strength, low skill or skill recognition, low pay, short hours, high turnover and high employment insecurity.

Some SWU officials saw a potential for building unionism on the shared identities of members; there is a high concentration of women, and in particular Pacific Island and Maori women, in many of the occupations represented. However, the strong class analysis of male leaders - particularly in the former C&C - meant low priority was given to issues arising from the gendered and racially marked nature of low paid service work in a segregated labour market. The less personalised employment relations of cleaners and the leverage offered by client relations and the volatile contracts make a class analysis and 'classic' union tactics more appropriate for women cleaners, compared with clerical workers and nurses or women tearoom and restaurants, although there are similar problems of organising logistics and fragmented industrial strength.

However, 'classic unionism' strategies and the marginalisation of alternative perspectives and concerns are problematic while leadership remains unrepresentative of the union membership. This case study has documented the struggle of feminist unionists to improve representation of women, Maori and Pacific Island members in union decision making processes through standing committees. Widespread support for this organisational strategy was shown by the membership vote which, against leadership advice, achieved full voting rights for standing committee representatives on union executives. Specific representation would ensure that the voices of women, Maori and Pacific Island members were heard at policy level in a female dominated union organisation whose central decision making and strategising bodies continue to comprise mainly Pakeha men.

## **CHAPTER 10: THE GENDERED IMPACT OF THE EMPLOYMENT CONTRACTS ACT**

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### **Introduction**

The case studies of the unions for clerical workers, nurses and cleaners show differences and similarities in the effect of changes to labour relation legislation from the 1970s to the early 1990s. These differences and similarities reflect organising situations and industrial strength, as well as the particular characteristics of the occupation or industry.

This chapter focuses on similarities and differences between these unions in the impact of the first round of bargaining under the Employment Contracts Act, 1991. As this thesis was being written, other findings at the aggregate level were emerging which confirmed the more detailed evidence of these case studies. Together the case studies and survey research indicate that loss of collective coverage and deunionisation was most likely in occupations which are recognised as hard to organise and industrially weak - in clerical work, sales and service work, and in small firms (Sarr 1992; Harbridge 1993:58). By February 1993 the gender pay gap was beginning to widen (Stats NZ 1993a&b), indicating that this major change in the labour relations system was disproportionately affecting the bargaining power of women.

What was the response of the union movement to this situation? The chapter looks at the views of NZCTU leaders regarding the decollectivisation of 'unorganisable' workers, and at NZCTU labour relations policies which were developed in the wake of the Employment Contracts Act.

### **Similarities and Differences in Contract Outcomes**

The case studies have examined the challenges of union organising in three female dominated occupations, revealing differences in collective organisation, industrial leverage and bargaining power, and the reasons for these differences. Examination

of the situation of differently placed groups within the membership of each union also helps explain why the bargaining power of some occupations in which women work is inherently low, and why unions for all three occupations have preferred the alternative of state arbitration.

Earlier discussion of the labour market showed women - and particularly Maori and Pacific Island women - concentrated in a narrow range of occupations, many of them in the 'secondary' labour market. Low pay, low skill recognition and casualisation which characterise jobs in the 'secondary' labour market (Doering & Priore 1971; Bowie 1983; Easton 1990a) are associated with industrial weakness and low bargaining power. The marginalisation of much of the female workforce in such 'secondary' occupations has been highlighted by the gendered impact of the Employment Contracts Act which overturned a traditional framework for labour relations directed at balancing the bargaining power of workers and of employers.

In New Zealand and Australia, where union negotiated awards set minimum wage rates and conditions for the most common female dominated occupations, the gender pay gap has been smaller than Great Britain and the United States where few women in low paid private sector occupations are unionised (Urban Research 1987:12; Hyman 1987:9; NZCWA 1987:12-13; Sarr, 1992:3). Ways in which union officials used the arbitration system to improve award rates for their members have been detailed in all three case studies. Access to arbitration on negotiations was removed by legislative changes in the 1980s but it was the Employment Contracts Act which removed the award system itself.

The Employment Contracts Act tilted the bargaining table in favour of employers by shifting the basis of bargaining from labour markets, in which all workers are represented, to the level of the individual enterprise, at which low paid workers with similar interests are most fragmented and isolated. While multi-employer contracts are a possible choice for employers, without blanket coverage of the whole occupational labour market, competition and undercutting are likely to make these unstable. Employees' means of negotiating a enterprise collective contract are limited to moral suasion or industrial action. As we have seen, this greatly disadvantages those whose

workforce situation acts against effective industrial action. Even without the prohibition on strike action in support of a multi-employer contracts, the forms of bargaining available to workers would reflect industrial strength.

The variation in bargaining outcomes in 1992 for different groups of union membership in these case studies indicate two central factors: employer strategies and the effects of workforce fragmentation. Particular patterns of fragmentation intersected with the adoption by employers of different negotiating options under the Act. Employers' options, however, were often influenced by interests in areas other than labour relations.

Since the new Act shifted bargaining from the occupation to the enterprise, the number of employers in each market for a particular kind of labour became the crucial factor for unions. This determined the number of separate successful negotiations which would be needed to replace the protection of national awards. For female dominated unions representing low paid, high turnover occupations, the award system had allowed them to negotiate minimum rates and protections in their particular labour market. Bargaining on enterprise contracts was shaped by the fragmentation of membership across thousands of offices, shops or tearooms and restaurants.

This fragmentation was greatest among general clerical workers, employed in a labour market which encompasses all industries and all types of enterprise, despite pockets of concentration in particular industries or firms. For many in this situation bargaining 'collectively' on an enterprise basis was meaningless. By 1990 the clerical unions' general award had become over 50 awards and industry or enterprise documents, but the Employment Contracts Act fragmented negotiations to literally thousands of separate worksites. The situation was similar for sections of coverage in which the Service Workers Union lost membership. Women in tearooms, restaurants and hotels, although less spread across industries, were employed in hundreds of small businesses. Here logistical difficulties in organising are compounded by short working hours and high membership turnover; that is, a greater temporal fragmentation of collective strength.

The fragmentation of cleaners' collective bargaining power through difficult organising logistics, short hours and high turnover could have led to a similar outcome. However, commercial cleaning was consolidated in the hands of a small number of employers. This meant a small number of enterprise contracts covered the bulk of Cleaners & Caretakers Union cleaners. In school cleaning, the State Services Commission's strategy for implementing employment contracts policy in the state's own labour market was to fragment national awards by devolving the 'employer' role to smaller units of state administration (Hill 1993a). The initial plan for the school cleaners' award was bargaining on a school by school basis as a further step towards 'self-management' by Boards of Trustees. However, school trustees joined cleaners in rejecting this fragmentation, and the State Services Commission conceded to negotiate a multi-employer contract on their behalf with the union.

Of the groups of women considered here, public sector nurses had the highest level of earnings, achieved through a strategy of professionalisation, which slowly levered up nurses' rates and conditions against the fulcrum of governments' political interest in quality public health services. As the interests of nurses and their state employer began to diverge in the 1980s, the advantage of nurses in public hospitals, relative to other nurses and other women workers, came to the fore. Employment in large numbers on large worksites by one state employer (or 14 Area Health Boards), as well as the centrality of nurses' labour to vital public services, made possible classic methods of organising and industrial action. However, the potential industrial muscle nurses derive from their strategic position was constrained by very real moral concerns for the situation of dependent patients, even when traditional ideologies about what was appropriate to professionalism or to femininity were put aside.

In service work women work for their employer, but the service they perform is often for others. Ideology about service to others is an important aspect of the gender typing of women's occupations, as well as of their own socialisation. They are often reluctant to withdraw their labour because of the 'human costs' to clients, patients or children or co-workers. These 'human costs' are more likely or more immediate than in production and agriculture in which men's employment is concentrated.



The service aspect of women's work had different effects on industrial action in each of these three occupations. Clerical workers 'serviced' primarily their employer; socialisation to service others structured gendered office relations and expectations of loyalty in ways that added to logistical difficulties of union recruitment and industrial action. Clerical services were seldom central to the purpose of enterprises, making withdrawal of labour ineffective. In health services, service ideals were a constraint which nurses unions were increasingly turning into an industrial asset, by enlisting public sympathy or by capturing the moral high ground from employers. In commercial cleaning, the three way relationship between worker, employer and the client for services was most intriguing, and central to the tactics of union officials. As Dorothy Cobble points out, the growth in services means:

The employment relationship is not the classic one described by Marx nor even the conventional adversarial one. This new third party, the customer, complicates and transforms the old diad. (Cobble 1991b:77)

An inadequate understanding of differences between production and service work was indicated by the 'productivity' component of the Growth Agreement. Officials from all three unions groups felt that little prior consideration had been given to occupations in which formulas for measuring productivity were not readily arrived at. As Nancy Hartsock points out, however, in women's service work:

Not only the qualities of things but also the qualities of people are important in women's work: quantity becomes peripheral. In addition, far more than the instrumental cooperation of the workplace is required. (Hartsock 1983:303)

'Far more than instrumental cooperation' was unlikely to be encouraged by the bargaining tactics of some employers under the Employment Contracts Act. Quality service was more compatible with the high growth, high wage, high skill economic strategy which NZCTU officials sought (NZCTU 1991b, 1993:15,7; Douglas 1993: 203-205), with a role for unions in skills formation, technology development and quality targets (Webster 1993:238,249). The importance of personal interaction and quality service has been noted in relation to tourism and hospitality as a economic development strategy for New Zealand (Henshall & Marsh 1984; NZ Tourism Board 1990). The Service Workers Union's unsuccessful efforts to negotiate training and transferable skill recognition into hotel awards was a move in this direction, potentially complementing 'human resource' management. Comparative worth job evaluation

systems which emphasise the value of women's human relations skills (Burton 1987:12,89-91; Burns & Coleman 1991:28,36-37) also contribute to a discourse around bargaining which emphasises the value to employers of the quality of women's service skills rather than cost and quantity. With 60% of New Zealanders employed in the service sector (Dept Stats. 1988-89:335), assumptions and strategies based on factory production models need rethinking.

The situation of workforce concentration or fragmentation, in which the number of employers was a crucial factor, was further structured by how employers saw their own interests in wage bargaining arrangements. These were not always determined simply by labour costs or free market ideology. As Craig Littler (1991:53) points out, employers' strategies in relation to labour relations and the labour process may be structured by strategies in relation to other business concerns. The case study of the cleaners' unions provided an example of this. Employers in contract cleaning were primarily concerned with strategies in the markets for the services they sold. Their interests were not served by strategies which reduced labour costs but risked destabilising competitive positions in highly volatile contracting markets. Employers therefore acted collectively to negotiate multi-employer contracts - the option under the Act which was closest to the old blanket coverage awards.

In the health sector, outcomes strongly reflected employer strategies. In public health, although the employer's role in negotiations was devolved to Area Health Boards, strategy was dictated by government, in the person of the Minister of Labour and State Services, Bill Birch (who in 1993 became Minister of Health). On 26 March 1992 he instructed Area Health Board general managers that there would be no multi-employer contracts and that progress was expected on flexible working hours and modification of penal rates (NZNA 1992). As detailed in the case study, through industrial action around the country nurses succeeded in resisting a 3% cut to overall earnings by all but two of the 14 Area Health Boards.

The form bargaining took in the public health sector helped determine the negotiating strategies of private sector health employers. Since large collective 'enterprise' contracts were being settled in the public sector, their aim was to force their own

nurses and service workers onto individual contracts, with inferior rates and conditions for new employees. This would ensure lower labour costs for private health enterprises, enabling them to position themselves competitively to provide the tax-funded health services which the National government planned to put out to contract in 1993 and 1994 (Upton 1991:31-35; NIPB 1992:32-40).

The interests of private health sector employers, like those of contract cleaning employers, were structured by their interests in the market for their services. In this case, those interests coincided with, and were facilitated by the Employment Contracts Act, which was directed at 'freeing up' labour markets and adapting them to industry needs. In private health, however, pressure on wage rates was not the outcome of an uncompetitive or contracting industry, encouraging the movement of workers to new growth areas. This was a growth industry, in which lowered wage costs would underwrite the private provision of publicly funded health services. The question for the nursing profession was how far this privatisation by competitive contracting would undermine nurses' job security and collective solidarity, as well as their terms of employment.

A common thread ran through the use of contractors for private sector cleaning, the likely increase of contractors in state hospitals and schools and the contracting out of health care to 'new' employers. As Craig Littler (1991:67) suggests, favourable labour market conditions facilitated the development of a range of country-specific job, wage and union protections for employees. The present international trend towards sub-contracting is a strategy which enables employers to side-step these obligations and 'remarketise' employer-labour relations, against a background of high unemployment. Labour cost savings are facilitated by 'distancing' employment through subcontractors. As seen in the case study on cleaners, such a strategy was blocked in New Zealand by wage setting with blanket coverage of the whole occupational market for cleaners, whether directly employed or not. Enterprise based bargaining, however, opens up labour cost competition.

Feminist unionists saw implications for women beyond the strictly economic in increased competition between contractors and therefore between workers, because

women's earnings through parttime or casual employment were important to their independence within family relations.

*"They will cut prices to meet contracts and people will have to accept those cuts...Women working parttime are earning money but they are still dependent. The Employment Contracts Act is not going to help because it is going to take that little bit of financial freedom away."*

(Service Workers Official, Nov. 1990)

The change from bargaining which fixed wage rates across occupational markets to bargaining enterprise by enterprise broke the collective strength of some occupational groups. It also put pressure on groups with considerable bargaining power, such as members of the NZ Nurses Association and the Services Workers Union employed in public hospitals. For the state as employer, management restructuring, bargaining 'reform' and 'distancing' employment responsibility through the contracting out of health services were tightly interlinked as a strategy in relation to its large, readily organised workforces (Hill 1993a). The letting of contracts to provide public services on a short term basis, together with annual 'enterprise' bargaining for wage rates would mean that both public service 'products' and the labour which provide them are 'remarketised' at regular intervals. Through this devolution of health care provision, the government could reap fiscal benefits while itself sidestepping both employer obligations and political flack. As employment is fragmented through the contracting out of public health services, there are lessons for the new Nurses' Organisation in the situation and strategies of unions covering the contract cleaning industries.

In the market for clerical work, the shift to enterprise based bargaining atomised collective bargaining. The position of employers appeared consistent with Employers Federation and Business Roundtable philosophy, despite some earlier evidence of views of bargaining reform which varied by size of firm (NZCWU 1990b, 1991a; McAndrew & Hursthouse 1990, 1991). No research has been done on the situation of clerical workers who dropped from collective coverage and union membership, particularly in NZCWU's region. While COMPASS officials represented members in collective bargaining, their experience suggests that large numbers of employers preferred to exclude clerical staff from collective contracts covering other employees. COMPASS organisers reported in early 1992 that these employees were either

retaining their old award rates and conditions on 'assumed' individual contracts<sup>1</sup>, or being given new individual contracts with little negotiation.

Such exclusion separates clerical workers out from any collective solidarity which might develop on an enterprise or industry basis, while the Act itself precludes them choosing collective bargaining across their own occupational market. This individualisation of employment relations is likely to reinforce relations of service and 'loyalty' between office workers and their employers.

Variation in bargaining outcomes between different sections of membership in these unions suggests that the greatest decollectivisation of workers occurred where labour costs were already lowest - in the 'secondary' labour market where women, Maori and Pacific Island workers are concentrated (Hammond & Harbridge 1993; Sarr 1993; Brosnan, Rea & Wilson 1991; Brosnan 1988). Under the Employment Contracts Act, scattered workers with the least industrial leverage must rely on industrial action alone to back their negotiations.

The 1985 strike by clerical workers, the 1989 strike by public hospital nurses and indeed the tayloresses' strikes between 1889 and 1891 (Street 1993) show that women are willing to take strike action to defend their position or where gains outweigh risks. However, the alternative of conciliation and arbitration suited the situation of many women workers, for reasons of logistics, moral constraints, personal vulnerability and/or socialisation.

*"Why should a resthome worker have to walk out and stand on the side of the road, leave the elderly people she works with day in and day out. Why should she have to go on strike to get her boss to bargain with her?"*

(Service Workers Union Officer, June 1992)

In these case studies, outcomes of contract negotiations were inferior to the awards they replaced, even for well-organised, highly skilled workers with industrial leverage such as nurses in public hospitals. The evidence from these unions suggesting an

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<sup>1</sup> Under the Employment Contracts Act, if no new contract, collective or individual, was negotiated, employees retained the rates and conditions of the lapsed award on an 'assumed' individual contract for the duration of their employment in that particular job. Individual contracts need not be in written form unless requested by the employee.

overall loss of bargaining power under the new labour relations regime is borne out by research at the aggregate level discussed in the next section.

*"When I look at what we have actually lost in terms of working conditions and wages, living standards, workplace health and safety, those very basic things, they are being stripped away at an incredibly rapid rate."*

(Service Workers Union Officer, May 1992)

However, the contract outcomes in these case studies cannot be read directly from assessments of union strength or willingness to strike. The variation shown resulted from particular configurations of factors shaping both the collective strength of workers and the interests of their employers. Although the Employment Contracts Act had shifted the balance of bargaining power further towards the employers (Anderson 1991), factors affecting employers' contract choices were the industrial strength of the workforce, the number of employers in a particular labour market, and their interests in areas of management other than labour relations. Factors affecting workers' ability to bargaining collectively were workplace logistics, short hours and high turnover which fragmented collectivity, and the number of negotiations required, as well as moral constraints on taking strike action to back negotiations. The most important factor for both sides was the framework dictated by the new legislation itself.

These case studies have shown the central importance to effective bargaining of being able to gather sufficient numbers of workers competing for the same work to exert some control over the price of their labour. Under the Employment Contracts Act, public health sector nurses were best able to do this, despite moral constraints on taking the industrial action which was their only recourse under the Act. However, the form of collective contract which they saw as most effective for them, a multi-employer contract covering all 14 regions, was expressly precluded by government.

Most clerical workers, tearoom and restaurant workers, and some nurses could no longer attain a form of bargaining which could negotiate terms of employment of scattered members across the large numbers of small firms which provide a labour market for these occupations. Many of these workers were not able to bargain collectively. Also to be noted is the way parttime hours and high employment turnover increased the difficulty of building collective organisation among many low paid groups

of women workers. Most cleaners, on the other hand, benefited from the concentration of the commercial cleaning industry in the hands of a small group of major contractors who adopted a common strategy. A parallel situation arose in school cleaning. Employment by the state, with most School Boards' preferring to continue centralised wage negotiation through a multi-employer contract, countered the fragmentation of school cleaners by worksite.

As discussed in Chapter 4, the Employment Contracts Act gave employers, but not employees, the option of a multi-employer contract as well as individual or collective bargaining on an enterprise basis. The number of employers in a particular occupational market affected employers' ability to bargain collectively, as well as workers'. In award bargaining employers had worked through the NZ Employers Federation (Roper 1993b:153) which by 1991 was promoting enterprise bargaining (NZE 1990a, 1991). However, the bargaining outcomes for commercial cleaners and private sector nurses show that employers' choice of contract form could also be influenced by management concerns in areas other than labour relations - such as the need for either stability or improved competitive position in the market for the enterprise's services.

Factors affecting the ability to bargain collectively underlay rather than dictated the form of contract bargaining adopted in each case. Bargaining outcomes were contingent on the people and politics of a particular situation - as is illustrated by contrasting the outcome for public sector nurses and school cleaners. In the first case, the government, ultimately the employer of both nurses and cleaners, blocked the possibility of a multi-employer contract. In the second, it did not. But the number of intermediary 'employers', their response of acquiescence or resistance, and the degree of bargaining fragmentation that was involved, as well as the budgetary and political importance of each, account for this contrast.

These factors which I have identified as shaping bargaining outcomes for workers, male or female, under the Employment Contracts Act may be relevant in analysing other legislative frameworks for labour relations and union organisation. Case studies 'present the material from which theoretical principles may be inferred... their utility

rests upon their capacity to explain rather than their typicality' (Crompton & Sanderson 1990:21). Since the selected unions reflect the range of occupations in which women are typically concentrated, these situations and outcomes can be extrapolated to unions organising other female dominated occupations and, as principles, are relevant to a consideration of all unions.

The Distribution Workers unions, which cover shop assistants, the second most common job for women at the 1991 Census, dropped around 30% in members and revenue by May 1992. The Wellington based Distribution & General Workers Union (DAGWU), like the clerical unions, was a union with a majority female membership and women leaders. It was at the forefront of the struggle to raise women's issues in the union movement and press for legislative change<sup>2</sup>. In December 1990 DAGWU had not been able to renew its Retail Non-Food Award, covering 70,000 workers. Although concentration in retail ownership over the 1980s facilitated collective bargaining, particularly in supermarkets and variety store chains, many members in small shops were in a similar organising and negotiating position to clerical workers in small firms. These members were lost from collective coverage, with only those over 20 protected by the Minimum Wage Act.

Shop work is a high turnover occupation, particular in small businesses which come and go. Like Clerical and Service Workers officials, DAGWU officials emphasised the importance of the market rate for shop work which was being lost under enterprise bargaining.

*"There is a lack of understanding about why the union is so concerned about losing this basic (award) rate, because it will undercut wages. A lot of workers say, yes, but I'm okay, I'm not losing anything. We say, yes but you'll move. 60% of our membership changes jobs annually."*

(Distribution Workers Officer, May 1992)

Nevertheless, officials pointed to their rapid negotiation of those contracts that were achievable:

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<sup>2</sup> Interviews with key Wellington DWU officials 'snowballed' from case study material about feminist strategies within the union movement, but are drawn on here in relation to the impact of the Employment Contracts Act, in the absence of continuing comment from NZCWU officials following the demise of this union.



*"If you look at the transport industry, 5% are covered by a collective employment contracts...75% of our (current) membership is covered, which is pretty good going in 12 months by a pissy girls' union that couldn't do anything."*

(Distribution Workers Officer, May 1992)

Members in workplaces with collective contracts were now more involved in negotiations affecting them. Some retail workers in supermarket chains were able to focus on difficulties at the intersection of their working lives and family responsibilities through 'Friendly to Families' policies taken up with their employer. Members involved in negotiations:

*"...feel like they have got control over their own contracts...because now we are dealing with things like our clothing or that arsehole of a manager that we never had been able to deal with before. That is the irony of the legislation."*

(Distribution Workers Officer, May 1992)

The situation of unions representing teachers, the other main profession for women, was similar in some respects to that of public health sector nurses - including the moral constraints - and of school cleaners. Policy proposals for a 'more market' approach to education included the fragmentation of teachers' state awards by 'bulk funding' schools for teaching salaries on the basis of pupil numbers. Staffing decisions and wage negotiations would then be devolved to School Boards of Trustees. As with school cleaners, this course was resisted by both Trustees and the unions, but a separate multi-employer contract was conceded for teachers whom the State Services Commission considered to be in a 'management' role (Hill 1993a).

The collective negotiations of unions representing predominately male workers, particularly those in low paid, casualised occupations, were also affected by the shift of bargaining power to employers. The situation of contract cleaners was exactly paralleled by that of mainly parttime, extremely casualised but largely male security officers. They too secured a multi-employer employment contract because of employers' strategies in a highly competitive contracting industry. The Engineers Union was similarly successful in launching North and South Island multi-employer contracts to replace the very large coverage of its Metal Trades award (Webster 1993). These contracts were joined, in particular, by service station employers - a highly competitive field dominated by large petrol companies.

The male-led male dominated Amalgamated Workers Union, a 1991 amalgamation of the NZ Workers Union and Labourers Unions, covered low skilled, often casualised occupations in manual labour, agriculture, forestry and horticulture, and other, often outdoor, work. Difficulties in negotiating under the Act resulted in union membership losses for these male dominated occupations. Like the Clerical Workers and Hotel & Hospital Workers Unions, some sections of membership had suffered badly under voluntary unionism in 1984-85, and voluntary arbitration in 1989. Union strength was also adversely affected by the loss of a compulsory unionism clause for scattered farm workers and the privatisation of state forests (Fenton 1992). Both timber workers and building trades workers were unable to settle their awards in 1991 because of the Employment Contracts Act before the parliament (Harbridge 1991:320). In March 1992 the Amalgamated Workers union disaffiliated from the NZCTU, particularly incensed by an invitation to the National Prime Minister to address the NZCTU biennial conference and the NZCTU president's attendance at a retirement dinner for the previous National Prime Minister (Roth 1992a:248). Parallels between the situation of this union for low paid, male dominated occupations and the case studies of unions for low paid female dominated occupations bear out that it is the *situation* of workers rather than gender per se that accounts for adverse bargaining outcomes.

However, the impact of the Employment Contracts Act was more significant for women because they are concentrated in greater numbers in occupations with little industrial leverage and typically on small worksites. Enterprise bargaining fragmented the degree of collectivity that the award system had facilitated through bargaining which covered all workers in an occupational labour market. It was labour market fragmentation or concentration which crucially shaped contract outcomes, but gendered processes shape the location of women and men in different labour market situations.

### **Assessing the Consequences**

By late 1992 the effects of the Employment Contracts Act on women workers were becoming clear, not only to unions representing predominantly women members in

the private sector, but at the aggregate level of analysis of collective contracts, and of earnings statistics.

The National government did little to measure the social consequences of its policy changes. By 1992 it was community and church organisations who began to research the poverty resulting from unemployment, social welfare cuts and market rents for state housing. There was no official assessment of the impact of labour market deregulation on the social groups already acknowledged as disadvantaged in the labour market.

*"The government won't collect the information, no matter how often we have asked and will continue to ask, because it is political dynamite."*

(NZCTU Officer, May 1992)

In fact, an information gap was built into the Employment Contracts Act itself (Harbridge & Hince 1992:8; Harbridge 1993:45-46). Previously all negotiated documents were approved and registered by the Department of Labour, and were publicly available. The new Act required registration only of collective employment contracts covering 20 or more employees, and the content of these was confidential. Given the small size of most New Zealand enterprises (Dept Stats 1991c:20), this meant no official data was being collected on what was happening to most workers.

Officials of female dominated unions in the private sector knew what was happening to their members, and to their organisations through membership losses. The case studies indicate the difficulties that many employees encountered in exercising their right under the Act to bargain collectively. However, since decollectivisation, as well as decentralised bargaining, was an objective of the Act (Harbridge & Hince 1992:10; Hince 1993:10), evidence from unions was seen by the government and those supporting deregulation as invalid - as purportedly reflecting the interest of officials in preserving the 'quasi-monopoly status' of existing unions (Brook 1989:186; Myers 1992:2-30). Politicians and employers, however, were using equally anecdotal evidence and very dubious statistics to maintain that the Act provided workers with opportunities for flexibility, choice and increased individual rewards. The Employment Contracts Act was portrayed as benefiting women as well as being the 'glue in the

economic recovery' (Myers 1992; Bolger Herald, 30.9.93:1; Birch 1993; Knowles 1993; Richardson and Shipley in Du Plessis 1993a:11,14; Shipley in Foulkes 1993b).

In 1991 the Industrial Relations Centre at Victoria University had set up an unofficial register for collective employment contracts gathered from unions and from cooperating firms with over 50 staff (Harbridge & Moulder 1992:3). One year after the passage of the Act, a data base of 1101 collective contracts had been established. These contracts covered 17% of the total workforce and 31% of the then unionised workforce (26% of the numbers covered by awards in the 1989/1990 wage round). Of these workers covered by collective contracts, 47.5% were women (Hammond & Harbridge 1993:5). Some major contracts had not yet been settled for female dominated workforces in the public sector, including nurses. Nor did the sample include all private sector collective contracts. Harbridge and Moulder believed that those not submitted for analysis were likely to have substantially inferior wages and conditions. Nevertheless, this 'better end of the spectrum of contracts' (Harbridge & Moulder 1992:5) showed that the Employment Contracts Act had disadvantaged women.

Almost all the contracts had been achieved at a cost to workers of concessions in leave, hours of work and penal rates. Comparison of contracts covering predominantly female employees with contracts covering 'mainly men' or 'mixed' employees showed that those covering 'mainly women' were less likely to stipulate days or clock hours outside of which a penal rate payment would apply. A small number of contracts with a wage increase of 4% or more or productivity based payments were significantly more likely to be for 'mainly men'. The mean annualised wage movement was only 0.24%, but this showed a gender difference: 0.37% in contracts for mainly men and 0.14% for mainly women. Although better holiday and sick leave clauses were retained in contracts which covered mainly women, 'men had done much better than women in their pay packets' (Hammond & Harbridge 1993:13).

By September 1992 Raymond Harbridge (1993:46) estimated that numbers covered by collective bargaining had dropped by 336,000 or 45% over two years. These decollectivised workers were most likely to be employed in small firms, in the private

sector, in companies based in just one town and were 'the source of the many anecdotes told of hardships encountered' (Harbridge & Moulder 1992:5). This description matches the situation of many women in clerical and service work for whom unions in these case studies were unable to negotiate collective contracts. No data has been gathered on individual contracts, whether freshly negotiated or 'assumed' contracts continuing old award terms.

In mid 1992 the University of Otago surveyed employment contracts in 557 firms, including some state and local government enterprises (McAndrew 1992). This research indicated that the form of contract being adopted reflected workforce size and pre-Act union strength, and bore no relationship to the market circumstances or cost pressures under which firms operated.

Crudely put, more concessions have been extracted from workforces that have moved onto individual contracts than from those that have retained collective contract coverage ... With a bottomless labour market and few statutory minima, employer responsibility and self-restraint and the industrial strength of particularly larger workforces have been the only moderating influences.

(McAndrew 1992:280)

The decollectivisation of more isolated and industrially weak workers by being 'moved onto individual contracts' has led to membership losses by private sector unions, and particularly those representing low paid female workforces, as the case studies show. The Employment Contracts Act required that contracts for 20 or more employees be registered with the Labour Department. In March 1993 a survey of collective contracts in 918 firms employing 213,000 employees (14% of the workforce) showed better base wages negotiated by unions and other employee organisations than by other bargaining agents or by employees themselves (Blaikie 1993). Together with McAndrew's study, this confirms international evidence that unionisation is associated with better rates and conditions (Curtin 1991; Sarr 1992:3).

In New Zealand over the post-war decades, women's rate of unionisation has matched that of men, relative to their rate of workforce participation (Geare, Herd & Howells 1979:9-10; Sarr 1992). In mid 1991 NZCTU surveyed its affiliated unions about women in positions of union responsibility. The number of women in elected and/or paid positions had greatly increased since the mid 1970s (NZPSA 1976; Geare, Herd &

Howells 1979), although only a few of the most strongly female dominated unions had women secretaries. There were relatively small numbers of women delegates, but the case studies for clerical workers and service workers have indicated why the organisation of delegates is ineffective in some female dominated occupations.

In February 1993 the NZCTU ran the survey on its affiliates again. The results indicate the impact of the Employment Contracts Act on the unionisation of women (Sarr 1993), confirming and extending the case studies for this thesis. In the public sector, membership boundaries, NZCTU affiliations and survey responses remained stable, as did membership. In fact, public sector unions whose membership had always been voluntary were showing a small increase in numbers, despite continuing pressure on public sector staffing levels.

With regard to private sector unions the second survey does not compare easily with the first, because of amalgamations, the disbanding of the NZ Clerical Workers Union, lack of response from some large unions with almost exclusively male memberships, and the disaffiliation of the large male dominated Amalgamated Workers Union. Male unionisation is therefore under-recorded, overstating the relative proportion of women members. However, the survey reflected a 'major deunionisation' of women in the private sector (Sarr 1993:2). In most unions responding to both surveys, women had dropped as a proportion of membership. Some 35,200 women members had been lost from private sector unions, mainly in clerical, service and retail occupations (Sarr 1993:5). These are three of the four occupations, along with white collar technician, that Dorothy Cobble nominated as:

The prototypic worker(s) of the post-industrial era...the workers to whom organised labour must now appeal if it is to survive. (Cobble 1991a:76)

With regard to union office, women had maintained good representation in paid and elected positions, except for union presidents and union secretaries. In both public and private sectors the number of women presidents was down, and they represented much smaller numbers of members. Representation by women secretaries remained unchanged in the public sector. In the private sector, as a result of the impact of the Employment Contracts Act and amalgamations to ensure organisational survival, there

were now fewer women secretaries representing fewer members. Overall, the impact of the Employment Contracts Act:

*"...has had a real effect on our ability to carry on with the things that we have identified which are important and one is to increase the participation of women, increase women organisers, more women secretaries."*

(Distribution Workers Officer, May 1992)

Through unemployment, deunionisation and disaffiliations, the NZCTU's official membership had dropped from 495,029 in 1990 to 356,869 in mid-1993 (Herbert 1993). Although women were still nearly half of all members, they were one third of the National Executive, including two representatives of the National Women's Committee. Women's participation in union conferences had increased markedly, but decreased at national NZCTU conferences. At a Special Affiliates Conference in July 1992, women were only 24% of delegates and 16 delegations out of 29 had no women at all (Sarr 1993). These changes represent a considerable setback to the work of feminist unionists in the private sector, which is likely to affect future policy and strategies of the union movement.

The effects of labour market deregulation and the decollectivisation of women workers began to show in earning statistics collected by the Quarterly Employment Survey in February 1993 (Dept. Stats Feb. 1992; Stats. NZ 1993a&b). All measures of earnings showed the lowest increases since the quarterly series began in 1987 and the first annual average increase to fall below 1%, with a marked fall-off between November 1992 and February 1993 measurements. Half the increase in total average weekly earnings was due to working longer hours rather than to increased pay.

Even without pay equity assessments, there had been a continuing slow improvement in the gender pay gap. From 78.7% in October 1977 following implementation of the Equal Pay Act it crept to 80.2% in November 1987, to 81.1% in November 1990 and to 81.5% in February 1992 (Wilson 1988:App.3; Dept Stats 1991a:48, 1991b; Stats NZ 1993a&b). In the year to February 1992 male and female hourly rates showed roughly the same percentage increase. By February 1993 differences were marked. Men's average ordinary time hourly earnings increased by 1.1% and total weekly earnings by 2%; the comparable figures for women were 0.3% and 0.6%. Not only were

women's average hourly ordinary time earnings barely moving, their hours of overtime and their average hourly earnings from overtime had both fallen - indicating the effect of changes to penal payments in health and hospitality. For the first time the gender pay gap was growing wider. At February 1993 women were averaging 80.5% of men's average hourly ordinary time rates and 73.5% of men's total average weekly earnings (Stats NZ 1993a&b). These changes were notable in the second half of the year to February 1993, reflecting the first slow round of contract settlements under the Employment Contracts Act.

That the gender pay gap should be affected so quickly reflects the fragmentation of award bargaining and the concerted attack by employers on penal rates in the 1992 round. Women were more likely than men to be in situations which reduced their ability to bargain collectively on a meaningful basis, or to back contracts with effective industrial action. The widening of a gender pay gap which had been gradually narrowing is attributable to the change in the structure of bargaining.

Just as the form of bargaining dictated by the Employment Contracts Act has gendered implications, so too do other aspects of the labour relations change, and the strategies adopted by the union movement in response.

The case studies have illustrated differences and commonalities between some of the occupations in which women are concentrated. They document difficulties in resorting to industrial action - for both similar and different reasons. Despite variation in detail, there were commonalities in the views of officials of these unions in regard to arbitration, productivity increases and the Growth Agreement, occupational unionism and award bargaining. There was also some similarity of experience between the clerical workers unions and sections of the Services Workers Union on voluntary unionism, although this was very different from the position of the Nurses Association as a professional union operating in the public sector.

The gendered patterns of the labour market mean that the internal debates of the union movement take on a gendered aspect.



## The NZCTU Response

The strategy developed by NZCTU officials for the 1990s was a corporatist one aimed at balancing the influence of business interests by securing closer involvement in government policy-making by a more tightly organised union movement. Part of the Compact was the restructuring of the union movement into large amalgamations of unions. These would have both greater negotiating strength and greater ability to deliver on deals with government. The Compact with the fourth Labour government offered cooperation by the union movement in exchange for influence on economic and social policy, and involvement in industry development. Some unionists saw this as collaborating too closely with economic strategists in both business and government (Harvey 1992:72). An industry or sector basis for union amalgamations and future collective bargaining would tailor unionism more closely to the organisation of industry and the shifting concerns of employers rather than to the patterns of the labour market and the interests of union members.

*"It was proving to government that they were fulfilling what they were going to do, that is, restructure unions to reflect the environment and the economy - delivering us on a platter."*

(NZ Clerical Workers Union Elected Officer, May 1992)

Such a restructuring of unionism from occupational to industry based organisation would mean different things for different groups of men and women workers. For occupations found in more than one industry, industry specific unions would be a move away from organising and bargaining to protect wage rates and conditions in the occupational labour market in which those workers competed for jobs. As discussed in Chapter 3, the segregation and concentration of women in the labour market is more markedly by occupation than by industry. Industry unionism has the merit of consolidating small unions for male dominated crafts, resolving possible problems over representation and demarcation as labour processes change (NZCTU 1988c). However, these arguments have little relevance for the large unions covering less specialised female dominated occupations. As we have seen, redistribution by industry divided and dismantled one of the most important unions representing women, organising across a range of different industries.

Underlying this NZCTU strategy was an earlier policy direction adopted by Federation of Labour leaders - that of greater reliance on industrial strength as award bargaining tightened during recession. At the heart of tensions around policy directions in the union movement remained the old conundrum: arbitration or industrial action.

The lynch pin is whether we lurch back to an arbitrationist model of industrial relations or pursue one based on the rights to organise, to bargain and to strike.  
(Harris 1992:8)

The language of this statement indicates the writer's own position - that gains may be obtained through effective organisation and the freedom to take industrial action. However, these case studies have illustrated the constraints on such tactics and the importance of arbitration for many unions for female dominated occupations.

As unions came under siege from recession, tighter bargaining, and Business Roundtable attack, NZCTU leaders saw the sustainable 'core' of the movement as those 'organisable' unions with industrial strength, rather than unions whose members had least industrial leverage and were most in need of alternative protections.

*"One reason why the NZCTU is focusing on industry rather than occupational unionism is because the people who will stay working in workplaces will be mainly men, that's the reality. Women's work is far more susceptible to casualisation."*  
(ex-NZCTU Official, May 1992)

As the case studies show, unions for female dominated occupations do not have a common position on every issue, yet large numbers of women as well as some men are in work situations which where they lack industrial strength. The position of private sector unions with industrial muscle organising predominantly male memberships continues to be hegemonic in the union movement.

*"The whole CTU organisation is really set up to reflect the view of the main affiliates, whose top people tend to be men."*  
(Distribution Workers Official, Nov. 1990)

It was the large male-led unions with industrial strength who in the 1970s and 1980s pushed for greater freedom to strike and less control by government through the arbitration system. That strategy changed to a corporatist one as the recession grew, but those unions continued to prefer industrial action to arbitration when negotiations and political manoeuvres failed. In a labour market structured by gender, however,

these strategies have gendered implications. At the time of the Growth Agreement, a Nurses Association official suggested that:

*"Those industries aren't doing too well at the moment so all workers have to take a collective response and a wage cut so they can get their documents settled. Where was the CTU two years ago when the clerical and restaurant and licensed hotels awards couldn't settle their documents? Did they tell the male unions to take a cut? If you think the union movement supports women as equally as it supports men, you are blind."*

(NZ Nurses Assn Official, Oct. 1990)

Nevertheless, the NZCTU's strategy, promoted through the structures in which unions were already involved, carried its own momentum. The strongest organisation in opposition to the Compact came from individual union activists who often did not have the organisational backing of their union leaders. That response was easily marginalised as 'politics'. Some unions who, like the clerical unions, opposed the Compact or the Growth Agreement focused on establishing the democratic position of their members on the issues but were not successful in joining together with other unions sufficiently quickly to mount effective opposition.

*"People tend to fall into line, they don't like it but if there's not a lot that they can put up instead, they go along with it."*

(Distribution Workers Official, Nov. 1990)

*"On important issues like the Compact, the affiliates who opposed it didn't get together. They all go away and moan about it but don't apply any strategy about where the power lies. There is a coincidence of interests sometimes and you have to go for that for all its worth. They don't do that."*

(ex-NZCTU Official, May 1992)

Feminist campaigns discussed in earlier chapters indicate that alternative strategies can be successfully pursued by unions working together in areas of common interest. However, a different set of alliances would have been needed to pursue collective interests effectively with respect to opposing the Compact or regaining the right to arbitration or national awards, and this did not happen in any effective way. Such interests cut across the collective identities, alliances and animosities already formed around gender issues. Another impediment to organising behind effective alternatives to proposals by NZCTU officials was the impact of labour relations changes on those unions most likely to oppose them. The case studies have indicated the workload

involved in enterprise based bargaining. This reduced the capacity of those unions to engage collectively at a more political level.

*"We have all gone into this narrow thinking, we have got to just look after our own membership, and tend to forget that it is quite easy to link up with other people and have a campaign."* (Distribution Workers Officer, May 1992)

Commitment to the strategy of combining industry unionism with workplace organisation and industrial action had an impact on the way NZCTU leadership opposed the Employment Contracts Bill. Dissatisfaction with that leadership led to an increase in the number of unions outside the NZCTU (NZCTU 1990:29-31, 1992:31-40), although amalgamations and new affiliations in the early 1990s make NZCTU membership changes complex and fluid.

Some unions, such as the Seamen's Union, Buildings Trades Union, Printers Union and unions who now make up the Manufacturing & Construction Union, had always been independent of the NZCTU. Some new unions for middle class occupations such as APEX and the NZ Resident Doctors Association were not part of the NZCTU; nor were the North Island unions for Accountants Employees, and Air NZ pilots and flight planners, formerly covered by clerical workers unions and the PSA. Since the 1987 requirement for a minimum of 1000 members no longer applied under the Employment Contracts Act, smaller unions were again possible. Other unions have joined the NZCTU, such as the Association of University Teachers and the Electrical Workers Union, through its amalgamation with the Post Office to form the Communication & Energy Workers Union. A number of unions - the Amalgamated Workers Union, the Food & Chemical Workers Unions, one union for Railway Workers, the Southern Drivers Union and in 1993 the Communication & Energy Workers Union - disaffiliated in response to weak NZCTU leadership and high capitation fees, as well as past dissatisfaction with the Compact and Growth Agreement strategy. Among other unions adversely affected by enterprise bargaining - including the Clerical, Service and Distribution Workers Unions - the question of continuing affiliation was raised, by both officials and members. This was reflected in the comment of a Service Workers official:

*"Just as we need our union organisation more and more, it is becoming less and less relevant to us. No wonder we are looking around and saying, do we*

*stay within the trade union movement, within this kind of organisation and try and change it from inside or do we try to do something else."*

(Service Workers Union Officer, May 1992)

In May 1993 some non-NZCTU unions formed an alternative organisation, the Trade Union Federation (TUF), with an initial 15 affiliated unions with more than 35,000 members (Labour Notes, June 1993:7; Roth 1993:267). Among the largest were the Manufacturing & Construction, Amalgamated Workers and Food & Chemical Workers unions. As the acronym suggests, this Federation advocated a more militant opposition to the Employment Contracts Act than did NZCTU officials, as well as a revitalised welfare state. However, its collective position on, for example, arbitration was unclear. Female dominated unions continued to work within the existing NZCTU collective structure, for reasons expressed by elected officers of two unions with very different positions in the labour market.

*"Some members wanted us to leave the CTU over (the Growth Agreement and 'productivity'), I personally believe you have to stay within your umbrella organisation and be able to argue the toss inside - except we would have saved a lot of money in affiliation fees."*

(NZ Clerical Workers Union Officer, May 1992)

*"It's one thing to oppose and not accept change that is put forward, but once that change becomes a reality you have to work within it, you have to be pragmatic about the new framework in order to live to fight another day."*

(NZ Nurses Assn Officer, July 1992)

The Employment Contracts Act was implemented in the context of economic recession, state deficits and high unemployment, and this context shaped bargaining power and contract outcomes. The new system was undoubtedly more flexible in its potential. Although the Clerical Workers and Service Workers Unions sought the continuation of arbitration as an alternative to strike action, officials noted that closer involvement in bargaining under Employment Contracts was raising the union consciousness of members. Some unions with more industrial leverage anticipate benefits in better economic times from a bargaining system in which they were free of 'labour's leg-iron', arbitration. A Nurses Association official pointed out that employers were likely to face a more militant unionism when the economy and the demand for labour recover.

*"Your turn will come and you will be terribly surprised at how aggro and vindictive the unions will be somewhere down the line, if we wait five years or ten years."*  
(NZ Nurses Assn Officer, May 1992)

Longstanding differences over the trade-off between arbitration and industrial action has meant limited sympathy and a certain impatience by industrially strong unions with unions organising occupations which used to rely on arbitration. The implication was that unions which couldn't effectively use 'classic' union tactics - workplace organisation, delegates, collective strike action - were not 'real' unions. This was reflected in remarks by NZCTU officials about the NZCWU and its collapse.

*"Realistically the clerical union did not organise workers to any great extent under the general clerical award. It enforced it when people had complaints and it organised politically for women...It seldom organised workers in a classic sense, it organised them within a public relations framework."*

(NZCTU Officer, May 1992, my emphasis)

Organising workers in this 'classic sense' means the organisation of workers on the same worksite who are able to engage in meaningful collective bargaining.

*"It depends what you think unionism is. For me, it is whether you can establish a collectivism and if you can't, it won't necessarily be unionism, it may be some other form of activism."*  
(NZCTU Officer, May 1992)

Reasons for the limited effectiveness of 'classic' tactics for some groups of workers have been explored in the case studies. The validity of alternative strategies is argued further in the next section, based on theories of union collectivity. It is indeed a matter of what unionism is, and what a union movement is for.

What then was the position of NZCTU strategists on protecting workers in the scattered, casualised jobs of the low paid 'secondary' labour market (Doering & Priore, 1971; Easton 1990a), such as lower paid, isolated clerical workers, tearoom, restaurant and hotel workers, labourers and orchard workers, nurse aides and cleaners?

Despite the fact that in New Zealand the 'secondary' labour market has had unions and viable - if state supported - forms of collective bargaining for fifty years, one NZCTU official publicly described the workers being decollectivised by the Employment Contracts Act as the 'unorganisable rump' of the labour force. That is, it was the workers, not the labour relations system, who were defined as the problem (Crain

1991:1158). 'Disadvantaged groups' in the labour market are seen as a concern for social policy (Pringle & Watson 1992:61) - via the Compact strategy - rather than the focus of NZCTU's strategy on labour relations.

New Zealand's traditional labour relations regime offered some resolution of the problems of collective organisation in the 'secondary' labour market. As that system was replaced by enterprise bargaining based on the right to strike, views about unorganisable workers and classic unionism entered into the ongoing debate on NZCTU policy. Moreover, crucial votes about the nature of a desirable bargaining framework for the future came **after** massive membership losses in the unions with least bargaining power. In July 1992 the NZCTU convened a Special Affiliates Conference<sup>3</sup> which endorsed a new labour relations policy, without compulsory unionism or arbitration (NZCTU 1993). An amendment to restore arbitration when workers could not reach settlement with employers - that is, an alternative to industrial action - was defeated by a 51% majority vote (Roth 1992b). Those unions which would support such an amendment no longer had the membership card votes to carry it. Present NZCTU labour relations policy reflects the fact that:

*"All organisations are influenced by the people who participate in them, not the people who aren't there any more."* (NZCTU Official, May 1992)

When the predicted impact of the Employment Contracts Act on fragmented private sector workforces eventuated, NZCTU leaders did not favour a return to national occupational awards, but proposed improvements to the employment contracts regime (Harris 1992). The focus was on the right to organise, to bargain and to strike, with the option of multi-employer industry bargaining. These would have priority over an enterprise document where it covered the majority of employees (NZCTU 1993:11). Interestingly, Harris' discussion of these proposals reflects some of the old principles clothed in weaker language. The NZCTU sought the right for workers, not just employer, to choose multi-employer contracts. Harris' proposals include a suggestion that negotiations should be supported, not by access to arbitration, but by a requirement of 'good faith' on the part of employers - reminiscent of the 'good

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<sup>3</sup> At which Patricia Sarr (1993) noted reduced participation by women - see page

employer' clause in the State Sector Act. Arbitration would remain voluntary on disputes of interest, while, as always, personal grievances and disputes of rights under contracts would continue to be settled only by the Court.

In addition, a new 'standards arbitration' was proposed, through which a 'norm' established in an industry would 'flow out' as an industry standard which 'protects the integrity of bargaining from being undermined by wages competition from fringe maverick employers' (Harris 1992:8). This norm would be established by those groups with 'industrial leverage'. What this implies is a form of blanket coverage on an industry, rather than occupational basis. Harris' argument against making compulsory arbitration available for contract negotiations was that it might be used as a reverse 'flow on' to limit stronger groups of workers to wage rates which suit small, rural or uncompetitive employers. The low minimums in the NZ Clerical Awards could be considered an example of such a strategy by employers. However, Harris's solution offers little to those in occupations which do not correspond to a particular industry.

Within the NZCTU there was some debate about whether equity for the most disadvantaged in the labour market was in fact something for which unions could or should take a direct responsibility. One NZCTU official saw it as a question of:

*"...whether the movement can reestablish an equity component in the labour market or whether that is done by something other than unions...whether we pretend again that we deliver the minimum code or whether we look at a robust form of minimum protection...a basic form of worker rights that the union movement then builds on."*

(NZCTU Officer, May 1992)

To protect those unable to achieve collective contracts, in May 1993 the NZCTU began to lobby for a statutory Minimum Code, extending the current Minimum Wage Act and Holidays Act and including coverage of employees under 20 years of age. The question remains whether this is best done through traditional supports to unionisation and collective bargaining or through statutory protections of the individual. Statutory minimum wage rates had been allowed to slip against inflation under the previous National governments but, as Peter Harris pointed out, nor was the system



of bargaining immune from changes in government policy. In the current view of NZCTU officials, statutory protections were preferable:

*"The award system was a very complicated way of delivering a minimum wage."*  
(NZCTU Officer, May 1992)

With impressive optimism about workers' willingness to risk their jobs to further interests which they did not share, Harris states:

If the union movement has this sort of protection as a sufficient priority, and if there is a right to strike over non-industrial matters, the union movement has the potential to mobilise around equity claims. If it does not, the fault is with the movement, not the system.  
(Harris 1992:8)

Equity issues are seen as something that union movement may 'potentially' take up. They appear to be proposed as additional, rather than central to the amended collective employment contracts regime for which the NZCTU now proposes to struggle politically and industrially. But there is ample evidence, from this study and from a growing literature of historical and contemporary analysis of women and unionism, that union movements and labour relations systems are both responsible for inadequate remedies to labour market inequalities (Boston 1980; Kessler-Harris 1985; Cobble 1991a; Rubery 1988; Crain 1991). Labour relations systems shape organisational forms in union movements and unions participate in shaping labour relations systems.

The labour relations policy developed by Labour politicians in consultation with NZCTU leaders, and taken to the 1993 election, did not involve a return to the framework of the Labour Relations Act, 1987 but merely added patches and safety nets to National's policy. The effect of the Employment Contracts framework on the union organisation of workers in the 'secondary' labour market did not seem to be the primary consideration of either Labour or NZCTU strategists (NZ Labour Party 1993a; Clark 1993; NZCTU 1993). The loss of a framework for effective delivery of pay equity assessments was also a secondary consideration in labour relations policy making, despite the concern of Labour women MPs and the publication in election year of a Policy on Women (NZ Labour Party 1993b). Only the third party, the Alliance, gave a firm but unspecified commitment to repeal the Employment Contracts Act and

implement pay equity (Alliance 1993:13). Policy by National, Labour and the NZCTU increasingly suggests a situation of:

...government conducted as if men's interests are the only ones that exist. Claims to be representing women's interests...may actually be tossed around among groups of men and used as a strategy for achieving their own goals.  
(Pringle & Watson 1992:57)

The focus of the NZCTU seemed to be on those unions whose situation and workplace numbers allow them to bargain collectively on an enterprise basis, with industrial action backing claims where necessary. There is lack of recognition of the diversity of situations among workers in the labour market. In particular, NZCTU strategies neglect the situation of women in low paid, part-time or casualised employment in small firms, who lack the numbers and industrial leverage for effective collective bargaining on an enterprise basis. Situations typical for women remain slightly outside the frame of mainstream union thinking.

Despite considerable progress over the past decade, a perception of difference as somehow illegitimate continues to permeate much union thinking on gender and race issues. Women, Maori and Pacific Island workers tend to fall outside the official discourse of Labourism which locates people as workers and workers as men (Beilharz 1987:398; Pringle & Watson 1992:61). Their situation and interests are overshadowed by the situation and interests of 'classic' unions. They are conceptualised as 'disadvantaged', or 'marginal', collapsing a connection between social attributes and labour market situation which needs to be critically examined.

The outcome is a union movement which pursues the collective interests of those most easily represented, with greatest industrial leverage, and excludes the interests of those for whom some form of collective organisation is most essential. Resulting strategies of acquiescence to enterprise bargaining, workplace reform in large, well organised companies and corporatist involvement in industry planning and government policy making further marginalise scattered low paid service workers. However, that large deunionised periphery, despite the insulating effects of segregation by gender and race, are potentially a drag on the bargaining position of industrially strong unions and the market value of labour.

The collective organisation of low paid women and other industrially weak workers, whether through 'classic unionism' or feminist strategies, would not be facilitated by a statutory Minimum Code. While a Code of minimum wage rates and conditions could be enforced by an expanded Labour Department, such statutory forms do not provide the kind of organisational spaces which allow new issues to be raised. Considerable progress was made in New Zealand towards pay equity and protection against sexual harassment because large female dominated organisations, such as the clerical unions, the Nurses Union and the Distribution & General Workers Union, considered them to be in the interests of their members. Within the union movement and in political lobbying by unions, the issues around which feminist unionists organised carried the political weight of a highly unionised female workforce.

That high level of unionisation, and the large women-led unions of the 1980s, were the result of a labour relations system which facilitated collective bargaining for industrially weak workers. The unionisation and bargaining power of industrially weak sections of the female workforce, in particular, have been reduced by the changes of the Employment Contracts Act. A statutory code, on recommendations from Labour and NZCTU leaders, could underpin wage rates and conditions. However, it could not provide 'political space' for women to organise around women's issues, as a way of developing among women workers the collectivity that is the heart of unionism.

## **Conclusion**

The focus in this chapter has been on structural differences in the situation of unions for female dominated occupations which contributed to variations in bargaining power. Similarities of situation between groups of members in these unions help explain the gendered impact of the Employment Contracts Act. Factors affecting the bargaining strength of employees interacted with employers' strategies in the labour market and in the market for the firm's services, producing variation in negotiating outcomes.

However, the concentration of women in occupations with scattered workforces and little industrial strength meant that the new labour relations regime has had a gendered impact. By February 1993 this began to be reflected in a widening gender pay gap

(Stats NZ 1993a&b). For this reason, the chapter considered in some detail the response of NZCTU leaders to decollectivisation and deunionisation in industrially weak sections of the union movement, in which women are overrepresented. Current NZCTU policies and strategies suggest that the situations in which women are common employed continue to be considered marginal to the main business of unionism.

## CHAPTER 11: THE STRATEGIES OF FEMINIST UNIONISM

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### Introduction

This chapter returns to the theme of feminism in the union movement. From the detail of earlier chapters, it considers strategies developed by feminist unionists in the 1980s that differed from traditional unionism - or did they?

Building on the supports to unionisation and bargaining provided by the traditional labour relations system, feminists set out to make unionism more relevant to women members and to make unionism 'a vehicle for female activism' in New Zealand (Cobble 1990:519). The construction of specifically 'women's interests' is considered in the light of theories of unionism and collective action (Offe & Wissenthal 1985).

This chapter identifies a distinctive set of strategies directed at furthering the collective interests of women workers, particularly those for whom the strategies of 'classic unionism' were problematic. The 'feminist judo' of achieving change through legislative intervention is compared to the traditionally strong role that unions have played in New Zealand in establishing the corporatist arrangements within which they operated.

### Collective Identities, Collective Interests

A key difference between New Zealand's traditional labour relations framework and the Employment Contracts Act is that the first facilitated collectivism while the second individualises employment negotiations (Hince 1993:10). The outcomes of the first round of enterprise bargaining for clerical workers, nurses and service workers highlighted the link between bargaining power and the logistics of organising groups of workers into effective bargaining collectives.

Building union strength in order to negotiate collectively involves overcoming fragmentation at two different levels - firstly, at the level of logistics of organising workers competing in a particular labour market, and secondly, at the level of formulating the collective interests to be pursued (Offe & Wissenthal 1985). As discussed in Chapter 10, ways of overcoming fragmentation due to isolation, different hours of work, high turnover employment or number of employers are crucial in bringing together the collective strength of those with common interests.

The traditional system of negotiating awards with blanket coverage of particular occupations overcame fragmentation and other structural factors which diminished bargaining power. This system institutionalised wage negotiations at the level of the labour market. For isolated workers and industrially weak groups, centralised award negotiations requiring little participation by members had advantages which outweighed disadvantages. This was the case with clerical workers in small workplaces who felt vulnerable to employer pressure. However, the very centralised nature of the fully arbitrated award system meant that dialogue about organisational goals and the work of officials was generally poor, alienating some members from unionism. This was less the case for unions whose memberships were physically concentrated on large worksites, particularly those strategically well placed in essential production or the infrastructure. Scattered memberships, characteristics of some unions in this study, often meant little attention was given to servicing the workplace problems of individuals. Nor was attention given to issues which did not fit narrow definitions of what constituted an industrial matter (Brosnan, Smith & Walsh 1990:31).

These 'monological' patterns of union leadership (Offe & Wissenthal 1985:198) reached the limits of effectiveness by the late 1970s. All the case studies showed improvement in servicing the workplace needs of individual members and encouraging active participation in the organisation, although the timing of such changes varied between the unions studied. The strategies of feminist unionists to make unionism more relevant to women members were an important part of a general move to develop a more democratic, more participatory unionism.

The traditional labour relations system allowed the labour markets for the work women typically do to be organised with regard to some vital issues - minimum wage rates and conditions, penal payments, hours of work, parttime employment. However, other 'life concerns' (Offe & Wissenthal 1985:177) important to women in paid employment were excluded from negotiations. Incorporating some of these into a Working Women's Charter, feminist unionists built on the basic structure of the award bargaining system to raise issues of specific concern to women members. Their aim was to overcome dissatisfaction with compulsory unionism that, for example, the clerical unions identified among women members in the late 1970s (Moynihan 1986:92). They hoped to involve more women in union activities and to raise the low proportion of women members in union decision making (NZPSA 1976; Geare, Herd & Howell 1979).

Centralised negotiations offered a solution to the fragmentation of workers' bargaining power in occupations scattered across small worksites, or with high job turnover or short hours of work. The second source of fragmentation within any union, discussed in Chapter 3, is the 'insuperable individuality' of labour power which must be overcome to articulate a set of collective interests to be pursued (Offe & Wissenthal 1985: 177-179). As Offe and Wissenthal argue, the content of bargaining needs to be such that members can see the broader interests of the group as also in their personal interest, despite some personal risk or the sacrifice of some aspect of individual interest for the collective good. The objectives or strategies of other unions cannot be applied as a standard formula or model for emulation. Collective interests must be developed as a result of collective deliberation by the group if members are to show 'willingness to act'. In their view the articulation of collective interests is based on, and helps develop, a collective identity which underpins effective union action.

This was what feminist unionists set out to do in the late 1970s. They sought to base the collective interests of female dominated unions on the gendered identity and gender specific work experience of women union members. The Working Women's Charter was developed through considering 'the entire spectrum of needs that (women) have when they are employed as wage workers' (Offe & Wissenthal 1985:179). As more women became active in female dominated unions, such as the

Clerical Workers or Hotel & Hospital Workers, they focused on issues of gender as central to the 'spectrum of needs' on which to base the formulation of collective interests. Working lives and private lives interconnect in different ways for men and women and different racial groups<sup>1</sup> and are central to the personal identities which people carry in to the workplace. As discussed in Chapter 3, gender and race coincide with particular labour markets. The new generation of women leaders in the clerical and nurses' unions recognised gender as central to, not subordinated to, a strong collective identity among predominantly female members.

**Building collective identity as women workers**, both in particular unions and within the union movement, was important to feminist unionists who tried to increase women's union participation. Each of the case studies showed examples of organising strategies which built collective identity around personal identity and issues arising out of the social relations within which identity is constructed. Service workers officials sought to increase members' active involvement by organising on the basis of their identity as women, Maori or Pacific Islanders with their own specific concerns. Nurses' union officials recognised that the 'nurse' identity was a strongly gendered one which could work for, as well as against members' interests as unionists. Clerical union officials aimed to rally and involve their large but scattered workforce through campaigns on issues like sexual harassment and pay equity. They were building unionism through the development among members of a collective identity as women at work.

Low pay, parttime work and employment security were union concerns which many women shared with some men workers, though not of equal concern to all groups of women. Childcare, parental leave, sexual harassment, discrimination in employment opportunities and the comparable worth of women's skills with men's were all constructed as collective interests specific to women workers. Taking up such issues was seen by feminist unionists as a way to actively involve women members by making unionism more relevant to them.

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<sup>1</sup> For example, tangihanga leave has been an important issue for Maori and Pacific Islands workers.



As Pringle and Watson suggest (1992:64-66), 'women's interests' are constructed relationally within intersecting social practices of gender, race and class, but they are not fixed or always coherent. They are constructed within changing labour market and workplace contexts and a changing legislative framework, as some issues are taken up and others not. In female dominated, women-led unions like the NZ Clerical Workers Union and the NZ Nurses Union, issues specific to women were constructed as the collective interests of the union through executive meetings and membership meetings. The problem of sexual harassment, for example, was first raised at a membership meeting of the Central Clerical Workers Union. Contacts between women officials in the women's subcommittees of the Federation of Labour were important in developing this into a campaign which resulted in sexual harassment being included in legislation as grounds for personal grievance proceedings. It was the clerical unions that took a test case on equal pay for work of equal value under the Equal Pay Act, 1972. Through feminist and union contacts, clerical union officials had heard of campaigns for pay equity beginning in Australia and Britain.

These issues were taken up by the predominantly female executive of the NZ Clerical Association because they were trying to build a stronger collective identity across their extremely fragmented membership. Under voluntary unionism, membership levels would depend on women seeing relevance and benefits in unionism. Willingness to act, whether politically through involvement in campaigns or industrially against daunting logistics, depended on the union raising issues which were of interest to women clerical workers. The issues identified in the Working Women's Charter were relevant to members because of the strongly gendered nature of clerical work. But they were also of interest to feminists in other unions for female dominated occupations - particularly the Distribution Workers Unions, the Post Primary Teachers Association and the women's committee of the Public Service Association.

Once articulated, issues specific to women such as sexual harassment, child care, parental leave, equal employment opportunity and pay equity were widely supported by women in organisations outside the union movement (Dann 1985; Woodley 1993; Wilson 1992). They drew the support of feminist women as concrete issues arising at the intersection of gender relations and employment relations, through which the

disadvantaged position of women in the labour market is constructed (Walby 1988). The importance of clerical work as a source of employment for women made the attention clerical union officials gave women's issues particularly valuable to the New Zealand women's movement.

*"As a feminist working politically and in the trade union movement, my personal opinion about the NZ Clerical Workers Union going is it is the worst thing that could have happened."*  
(Distribution Workers Officer, May 1992)

Central to feminist unionists' strategy with members was union education to encourage collective identity among members. This was given early priority by the clerical unions. Seminars in which women members discussed individual and labour market problems raised feminist consciousness as well as union consciousness. These seminars were directed at developing collective identity and articulating collective interests. Public campaigns on particular issues of concern were initiated as women members and activists gathered together. These campaigns were both collective action at a political level and a more public form of education. Public campaigns could inform and unite women across different worksites and different occupations behind campaign goals at the political level.

Questions of collective identity were particularly interesting in the organisations representing nurses. In contrast to clerical workers and cleaners, the majority of NZ Nursing Association members were on large worksites and were key workers with considerable leverage in an important state 'industry'. As the legislative changes of 1988 and 1991 made industrial action nurses' only means of protecting their position, officials were trying to develop a stronger union consciousness among members. The NZ Nurses Association's professionalisation strategy was based on collective identity - a strongly gendered identity as professional nurses. A widespread understanding among nurses of the gendered division of labour in health care reinforced rather than undermined nurse-equals-women ideology and professional identity, but had done little to promote collective identity as workers. In both the Nurses Association and the Nurses Union, union education was directed at reworking members' strong identity as nurses to include solidarity on labour relations issues. Officials of both unions constantly referred to the way the professional and the industrial were intertwined in

nursing work. Because of this, they argued, unionism was complementary, rather than incompatible to professionalism.

In some employment situations for NZ Nurses Union members, the building of collective identity was directed at overcoming fragmentation and vulnerability, as with scattered clerical and service workers. Similar educational and campaign strategies were taken up by officials as they began to actively organise their more scattered nursing workforces in the late 1980s. Generally, however, the objective of a strong collective identity was to overcome moral constraints on industrial action. Individualised ideals of service were shifting towards collective stands on professional standards of care, to be delivered by a nursing workforce with recognised skills and appropriate market rewards. As both health services and professional status were undermined by changes in the management of the state, nurse-patient loyalties which had been a moral constraint on action were being transformed into moral indignation which reinforced industrial action.

Because of the way gender relations intersect with individual employment relations for both nurses and clerical workers, education by the Nurses Union and clerical unions featured assertiveness training and personal empowerment as part of union/feminist consciousness raising.

*"We think the way we can improve solidarity is to improve their self esteem, with things like pay equity and the Nurses are Worth More campaign."*

(NZ Nurses Union Official, Nov. 1990)

In addition to more collective strategies, this aimed at helping members to deal themselves with day-to-day situations. Nursing tutors in Auckland recently introduced components on workplace interaction and conflict resolution into the nursing curriculum. They aimed to provide nurses with the skills to put into practice the concept of the autonomous nurse practitioner which is taught as part of nursing philosophy. However, union officials recognised that supporting individuals through collective strength and 'third party' intervention was the purpose of unions, particularly for nurses in isolated situations. Socialisation towards service and cooperation rather than conflict may weaken women's resolve in dealing with employers, but:

*"If they have a union, a good feminist union, then what we see is providing them with the skills to get them out of that cycle. We can do the conflict for them, as long as they agree with the principles and what it is we are working towards."*  
(NZ Nurses Union Official, Nov. 1990)

In cleaning and other service work occupations, officials appreciated that members' identity as Maori or Pacific Islands people, and the strong community values of these groups, contributed to union solidarity, underpinning collective action. Employment relations which were often clearly exploitative meant industrial action was well supported by women members, particularly in disputes in which they were directly involved. Nevertheless, through the 1980s cleaners' union officials had gained more for members through arbitration than directly through strike action.

Women's involvement in ongoing organisation and leadership of the Cleaners & Caretakers Unions was very low. As separate women-only organisation in the union movement began to increase women's participation and share of leadership positions, similar committees and some activities for women members were initiated by feminist unionists in the Hotel & Hospital Workers Unions - but not in the more conservative, male-led Cleaners & Caretakers Unions. The feminist campaigns in the wider union movement were important to women officials trying to raise the priority given to women's issues by male leaders of the Hotel & Hospital Workers Unions.

In the later Service Workers Union, leaders agreed that separate organisation among women Maori and Pacific Islands members would build union identity among those members, encourage participation and prepare them for future leadership roles. When these groups began to raise their own particular concerns, such as more translation of information, immigration or Treaty of Waitangi issues, these met resistance from the Pakeha male leadership. Moves were made (unsuccessfully) to limit the participation of these groups in overall decision making.

The Service Workers Union can be recognised as itself a site of struggle between different groups articulating their different interests and strategising to achieve them. The standing committees wanted, and were a step towards, a more representative leadership which would, they hoped, give greater priority to the concerns of women,

Maori and Pacific islands members. However, the situation was very fluid. Numbers dropped in fragmented female dominated sections of coverage, and new unions joined. Achieving agreement on interests and strategies in a large but more diverse organisation is likely to become more difficult. Division and differences over the interests of different groups, as well as physical fragmentation, may favour monological patterns of leadership at the expense of collective identity and union participation, particularly by women. However, members supported full voting rights for the standing committees, against the advice of union leadership, ensuring input into centralised decision making on the basis of identity as women, Maori and Pacific Islanders.

Isolation and fragmentation, coupled with women's 'double burden', contributed to an 'insurance mentality' among many union members, rather than active participation. Reinforcing the centralised nature of unions focused on award bargaining, low attendance at membership meetings often allowed leaders a fairly free hand to direct the strategies of the union. Yet there is ample evidence that members could and would indicate disapproval or organise to oppose some decisions by officials. A small groups of Catholic members actively opposed the clerical unions' support of abortion in the Working Women's Charter. Other Pakeha women members expressed strong disapproval of their secretary's Maori Nationalist politics. However, when Fintan Patrick Walsh supported the arbitration system or later when feminist Martha Coleman championed pay equity as in the interests of clerical workers, any accusation that a passive compulsory membership was being used by leaders for their own ends came from other unions who preferred other strategies. There was no ground-swell of disapproval from clerical union members themselves.

During the 1980s legislative changes eroded the alternative to 'willingness to act' provided by arbitration on award bargaining and compulsory unionism. The development of collective identity and collective interests became more important, to support various forms of collective action - with strike action 'as a final resort' (Offe & Wessenthal 1985:185). However, both collective interests and identity varied between different groups of workers. As well as the differences of situation and bargaining strength discussed in the last chapter, differences of identity and collective interests contributed to the differences of strategy adopted by different unions in the 1980s.

Offe and Wessenthal's theories of collective action focus on the tension between individual and collective interests *within unions*, and the role of collective identity in resolving this. This chapter draws on their discussion and on the case studies to consider the importance of collective identities in constructing collective interests *among different groups of workers*. Differences between identities and sets of collective interests led to tensions documented in the case studies. There were tensions, for example, between women clerical workers and male production workers on particular worksites, and tensions between nurses and other hospital workers which reflected perceptions of identity.

Also documented are disagreements in the union movement over strategic directions. Differences between sets of collective interests based on both situation and identity contributed to tension between the recommended strategies of the NZCTU and the strategies developed by feminist unionists. There is little in Offe and Wessenthal's logic of collective action that privileges industry over occupational unionism, or a workplace collectivity of physically present workers over collectivity based on occupational identity. This thesis argues that organisational forms are strategic choices within the constraints of particular corporatist frameworks, and so too are the industrial or political forms of collective action taken by different groups of workers.

The feminist unionist strategies identified in this chapter developed within a particular labour relations system and within the constraints of the employment situations in which women workers are concentrated. These studies show ways in which the development of collective identity and the construction of collective interests among groups of women workers became a focus for feminism in the New Zealand union movement. These underpinned feminist unionist strategies of a political as well as an industrial nature.

Offe and Wessenthal argue that the articulation of collective union interests requires the overcoming of interest distortions in a capitalist society (1985:198-200). In a society that is also patriarchal, women's knowledge of their own work lives and labour market difficulties does not automatically develop into what Nancy Hartsock calls a collective standpoint.

(That) may be present on the basis of common threads of female experience, but it is neither self-evident nor obvious...(it) represents an achievement both of science and of political struggle. (Hartsock 1983:303, 288)

The leaven of 'science', in the case of the women-led unions studied here, was the development of a feminist theoretical analysis, both in New Zealand and spread through publications and an international feminist network. Analysis of members' situations was 'not objectively arrived at but subjectively and practically gained' (Farganis 1985:63). Theory was part of this process through the feminist and/or marxist (rather than liberal) understandings held by union officials as they analysed political developments, the experiences and problems of women members and the difficulties of negotiating on their behalf. The aim was to clarify how things worked, what choices were available and where challenges would be most effective (Bunch 1983:255).

Feminist analyses suggest that equity in the labour market is not furthered by submerging women's social identity, their specific situation and their different needs under the rubric of 'the worker' and a marxist analysis of class relations alone. Feminist unionists identified 'classic' unionism as based on men's traditional experiences of work, underpinned by a masculine collective identity.

*"They've got brotherhood, it's like being in the Masons. I'm not criticising them, they've worked at that and it's been a strength for them...but the working class in their terms is mostly males. Why would women see themselves as part of that?"*  
(NZ Clerical Workers Union Official, Nov. 1990)

Among reasons for women's low union involvement in the past have been alienation from the jargon and formal rituals developed by traditional male unions (Geare, Herd & Howell 1979:14) and the imagery of working class masculinity around unions and industrial action. This was epitomised by the old Federation of Labour logo of raised arm and hammer. As a NZCTU woman official has pointed out, this persistent imagery belies the reality of high female unionisation in New Zealand (Foulkes 1993a:1; Sarr 1992). But just as women in clerical jobs are not 'real' workers and nurses are not 'real' professionals, women have had difficulty being accepted as 'real' unionists (Crain 1991:1166). One union educator noted that when women officials' opinions differed from those of male unionists they were often accused of being middle class,

regardless of background. But the working class credentials of male officials were always valid, no matter how high they rose in union organisations. True staunchness required a confrontational style, which often alienates women from unionism. When nurses union officials conducted themselves in a style considered appropriate by women members for representing the profession in dealings with employers:

*"They call us the Gucci socialists...I think both NZNA and us are viewed as soft unionists. You are supposed to talk people into striking."*

(NZ Nurses Union Official, Nov. 1990)

Feminist unionists from women-led unions were not calling for 'brotherhood' to be made gender neutral, however, but rather for recognition that existing union traditions were built on a male identity, and that a similar identity among women was equally valid. Feminist unionism was not 'bourgeois deviationism' competing with 'true unionism', but the form taken by solidarity among women as workers, given the intersecting gender and class relations which affected them in paid employment.

*"My argument to people who were against the women's structure, when class was the issue as opposed to gender issues, was that your politics are your own beliefs and you believe in men. So what's wrong with women having some feminist politics?"*

(Distribution Workers Officer, May 1992)

In pursuing such politics within unions, the situation in the cleaners' unions and the Service Workers Union contrasts with the clerical unions. With women over 85% of clerical union membership, feminist women began to achieve leadership positions from the late 1970s. By the early 1980s union decision making structures were dominated by women and a coherent set of interests and strategies emerged which reflected the experience of clerical work and women's disadvantaged position in the labour market. Both the Cleaners & Caretakers and Hotel & Hospital Workers Unions had higher proportions of male members, often in fulltime, longer term jobs, with collective organising based on their own occupational concerns and a well-established male leadership. With around 85% women members, the Service Workers Union was at just that point of 'critical mass' at which other New Zealand unions have achieved leadership by women. In New Zealand as elsewhere, it was women officials who prioritised women's issues and women union leaders who pursued strategies based on a feminist analysis (Crain 1991; Curtin 1991).



Occupational unionism provided a form of organisation which reflected women's concentration in the labour market. Feminist unionists used the organisational space that female dominated unions provided to develop and pursue issues in the Working Women's Charter which male leaders and organisers had not considered important.

*"When you are a female dominated union, with your executive and your staff all women, you know. It is second sense to us what our issues are...women's issues are very, very important, pay equity, Maori nurses."*

(NZ Nurses Union Officer, May 1992)

Where women did not have the critical mass to affect leadership and strategies in their own union, they made smaller political spaces within unions or across unions. In these ways, feminist officials and active members met together to discuss issues and strategies. In women-led unions and in women's committees, they planned the campaigns on sexual harassment, equal employment opportunity and pay equity which attracted support from union members and from the wider public.

Political consciousness and activism has also been extremely high among Maori since the mid 1970s, but, with the possible exception of Timber Workers, union organisation has not sufficiently reflected the labour market concentration of Maori or Pacific Islands workers for particular Maori and Pacific Islands concerns to affect union leadership or union strategies. Their efforts to achieve political space in NZCTU structures, and within the unions studies here, have had limited success. The option chosen by some Maori unionists was to organise separately outside the NZCTU.

Some feminist unionists recognised that strategies to build unionism among less well-represented groups of membership meant changing structures and processes to ensure that the interests of those groups were articulated. It would mean changing the priorities of unions to genuinely include the concerns of those members.

*"Having women's, Maori and Pacific Islands identities as part of our image is a good way to promote unionism. It doesn't mean that we just go out there and get other people to agree with us, we actually try to agree with them as well, take on more the policies of other groups that we may not have wanted to consider up till now. Do something for them as well as them doing something for us."*

(Distribution Workers Officials, Nov. 1990)

## **Feminist Unionist Strategies**

Building on collective identity, then, unions pursue collective action to further what union secretaries, executive members and meetings of the membership have adopted as their collective interests. Earlier chapters have presented case studies of two women-led occupational unions and one led by men. An important focus of these studies was the priority given to issues of specific concern to women workers. Emerging from these and from the account of women-only organisations within the union movement is a set of strategies which I have been broadly describing as 'feminist unionism'. These strategies contrasted with the mainstream strategies of the union movement, which were based on what some have referred to as 'classic' unionism (see pages 28 and 555).

In the course of this research, I frequently encountered the view among unionists, usually male unionists, not only that the clerical unions did not get out and organise their members properly, but that they had no strategy with which to face voluntary unionism. The Engineers promoted a strategy of workplace reform and comprehensive training programmes, NZCTU officials proposed 'strategic unionism', but the clerical unions were described as 'having no strategy'.

This research on the clerical unions suggests that they did indeed have longstanding strategies - though perhaps insufficiently labelled as such to the outside world. In the late 1970s efforts were made to service and involve the membership, as criticism of compulsory unionism grew (Moynihan, 1986:84-5, 95-5). In the 1980s the collective interests and strategies pursued by the unions began to reflect the very high proportion of women among union members and officials. As discussed in the last section, issues from the Working Women's Charter became an important focus of the work of clerical union officials in an effort to make unionism relevant to their women members.

Officials acknowledged the importance of state supports which enabled unions to negotiate at the level of wage rates for occupational labour markets. Also acknowledged were the limitations of 'classic' organising tactics and industrial action

for clerical union members. An alternative set of strategies was devised, based on **political** rather than industrial power, and numbers in the labour market rather than numbers on worksites.

*"We have weaknesses and we have strengths as well and we use our strengths in a different way to try and eliminate our weaknesses."*

(NZ Clerical Workers Union Officer, Nov. 1990)

Until the end of 1989, the Clerical Workers Association provided a structure for officials of the regional unions to decide - or disagree about - strategic directions. NZCWU officials continued to gather for planning meetings and weekends. Far from sitting on their hands over the 1980s, they...

*"...had a style of organising that was probably more militant than most unions because we would have campaigns and develop strategies and say this is what we are going to do and how we are going to it. What is the knowledge that we have of our membership? That they are mostly women."*

(NZ Clerical Workers Union Officer, Nov. 1990)

Labour relations legislation provided both the authority by which officials could intervene in individual employment relations and limited the 'industrial matters' on which members could be represented, either individually or collectively. It took three years for clerical union officials to negotiate a satisfactory clause on sexual harassment in their 1985 awards, and the awards for hotel workers and shop assistants showed less success. Employers refused to countenance pay equity assessments between typically female dominated and male dominated occupations, as did the Arbitration Court. Feminist unionists mounted political campaigns for legislation which would enable them to negotiating these issues with employers. This was a strategy appropriate to both the labour relations system and the industrial situation of scattered members in female dominated occupations like clerical, shop and service work - and an effective one.

Other unionists did not always recognise effective but essentially political action as a legitimate union strategy:

*"I think the clerical union at its peak organised much more effectively as a public relations activity, as an action group and an activists' group within the union movement, than it did among its members. It organised members within a public relations framework. The work it did was excellent (but) more clearly*

*driven on activism than it was on organisation of rank and file workers."*

(NZCTU Officer, May 1992)

These campaigns were much more than public relations, although a high media profile was an acknowledged part of communication with the third of New Zealand women employed in clerical work. They were directed at policy change, initially within the union movement but primarily by government through new or changed legislation. The significant factor in the disbanding of the NZ Clerical Workers Union was not failure to achieve goals or lack of a strategy in the face of voluntary unionism. It was the removal of a labour relations framework which allowed scattered and industrially weak workers to negotiate at the level of the labour market. This was an unexpected and radical change to a framework for labour relations which had been in place for over a century. It impacted on unions other than the feminist and politically active clerical unions, as the case study of the Service Workers Union showed.

The feminist unionist strategies encountered in the case studies - identified, then discussed below - were developed in several unions with large female memberships and in the women's union organisations described in Chapter 5. Despite differences between women's occupational situations, ways of operating were devised which were appropriate to memberships of scattered, mobile women in service work.

To increase women's involvement in unionism and to make unionism relevant to women, feminist unionists emphasised union **education with a strong feminist consciousness raising content** and involving members in **campaigns addressing the specific concerns of women** at work. Three central strategies can be identified in relation to furthering issues that these unions and women's committees targetted as important to women. These were: **using membership numbers; throwing with the weight of the state'; and revaluing women's work.** To provide an organisational base for these strategies and to further women's collective interests in the union movement, women organised to establish **autonomous political spaces for women.**

As discussed in Chapter 1, feminist unionists in New Zealand have had some success in overcoming the 'limits to unionism' as a vehicle for change for women (Milkman

1987:96; Cobble 1990:519). Crucial to this has been the existence of large occupational unions representing predominantly female members. As the feminist movement grew in New Zealand, women became more politically active in unions and some of these strongly female dominated occupational unions achieved women leaders. For the first time, these provided 'political spaces' in which predominantly women officials and members articulated the collective interests of the union and constructed 'women's interests' in relation to a series of issues.

The clerical unions provided the key example in this thesis of how the 'feminisation' of leadership allowed a large union for a female dominated occupation to become such a political space for women. The leadership of unions organising shop assistants and secondary school teachers also became 'feminised' by the 1980s, and were active on women's issues. The nurses' unions, always women-led but slow to consider themselves unions, added their weight to feminist unionists campaigns in the late 1980s. The NZ Nurses Union, in particular, had a strong feminist analysis of their members' situation and gave high priority to sexual harassment and pay equity.

Achieving the female leadership which allowed some unions to become bases from which feminist strategies could be pursued, was - and still is - a slow process, in which the proportion of female to male members is crucial. The Service Workers Union provides an example of struggle by feminist unionists in an union with a majority of women members but with a male dominated leadership. This parallels the situation of women in industry based unions and union federations elsewhere (Trebilcock 1991:412; Boston 1980; Milkman 1985, 1987; Kessler Harris 1985; Cobble 1990, 1991c; ICFTU 1991). In most examples from Britain and the United States, women had not achieved the 'critical mass' in union organisations to achieve leadership or prioritise women's issues, particularly at the national level (Curtin, 1991; ICFTU 1991). The key difference in New Zealand was a particular system of labour relations which supported union organisation by occupation. As a result, the patterns of women's labour market concentration was reflected in their union organisation.

As well as achieving leadership in some female dominated unions, feminist unionists created female dominated 'political spaces' in women-only groups and committees.

These were the focus of Chapter 5. Some brought together feminists active inside and outside the union movement, while others provided a meeting place for feminist unionists from different unions, including male dominated ones. Meeting in women-only groups allowed new issues to be explored, collective interests formulated and a stronger collective identity developed as women working for change within and through unions. Women's committees in the structures of the Federation of Labour and NZ Council of Trade Unions, and in some unions, ensured that 'women's interests' were represented at national decision making levels. Initially there were tensions over 'separatist' organisation, with accusations of divisiveness and disloyalty (c.f. Kessler Harris 1985:120,126). In contrast to the historic accounts by Alice Kessler-Harris and Ruth Milkman, however, these changes occurred within the context of a widespread feminist movement and a feminist discourse with well developed arguments for women-only organisation.

Autonomous political space within the structures of the union movement was both achieved by, and an important means of, **gathering the strength of women's numbers** to organise around issues affecting women at work. In order to speak with some authority in union and political circles on the Charter, sexual harassment or pay equity, feminist unionists needed to demonstrate the support of large numbers of women. They gathered numerical strength in three ways; through lobbying by unions which represented large numbers of women members; through organising women across different unions within the movement; and through working with women and their organisations outside the union movement.

In the first instance, occupational unionism, supported by compulsory unionism and access to arbitration, enabled the widespread unionisation of women, counterbalancing the logistical fragmentation of women across thousands of small workplaces. The voting power of these unions for female dominated occupations carried political weight within the movement. As women gained positions as union officials and leaders, this voting power was increasingly used to establish policy relating to women workers in the Federation of Labour and NZ Council of Unions.

Secondly, the purpose of some 'political spaces' was to gather together feminist unionists from unions with varying proportions of women members. In these groups and committees, women educated one another and strategised on issues such as the Working Women's Charter, sexual harassment, pay equity or the status of standing committees for women and Maori. Women's committees also provided a place to discuss commonalities and differences between female dominated unions in relation to changes to labour relations framework. Strong personal networks between feminist union officials helped build alliances between unions which together represented large numbers of women workers. Feminist unionists isolated in male dominated unions frequently encountered difficulties in raising women's issues. Organising with other women outside their own union, they achieved policy change at a higher level of authority - the Federation of Labour or NZ Council of Trade Unions. Policy on women's issues in these umbrella organisations helped set policy in their own affiliated union.

The strategy of seeking political space within the union movement to organise around collective identity and collective interests was also employed by Maori unionists, and to a lesser extent, Pacific Island workers. Perhaps because of lower numbers of Maori or Pacific Island members than of women, as well as resistance by incumbent union leaders, Maori and Pacific Island workers, men and women, have not found the union movement as effective a vehicle for advancing their collective position as it has been for women. Effective organisation by these groups - extremely successful organisation in the case of Maori<sup>2</sup> - has been largely outside the union movement, and the movement has been the weaker for that.

At the widest level, feminist unionism gathered the political strength of women's numbers for a strategy that Hester Eisenstein has called 'feminist judo - throwing with the weight of the state' (Eisenstein 1986). Women's potential voting power can sometimes harness the power of the state through legislation addressing issues of

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<sup>2</sup> Organisation among Maori has been political, rather than industrial - in groups as diverse as Nga Tamatoa and Te Ahi Kaa, the Maori Council and the Maori Women's Welfare League, and iwi organisations. Through political activism and the Courts, successes have been achieved with regard to language, land and the ownership of resources, rather than paid labour. See Awatere (1984), Kelsey (1990, 1993:243-52), Evans (1993) and the proliferation of literature relating to the Treaty of Waitangi.

specific importance to them. Legislation for equal pay in 1960 and 1972 and employment equity in 1990 were all closely connected with election year politics (Corner 1988; Hill 1993b; Wilson 1992). Following a public campaign, sexual harassment procedures were included in the Labour Relations Act 1987. Like childcare and parental leave, these were issues for women at work which went beyond the narrow interests of a particular occupation or the members of a particular union. The campaigns drew support not only from female dominated unions but from women in political parties and state departments and a range of women's organisations beyond the union movement (Wilson 1992; Woodley 1993). Through this political power, women sought changes to labour relations legislation which would enable them to use the power of the state on behalf of women in dealings with employers.

**Revaluing women's work**, to equalise women's market rewards with men's, has been a central strategy of women working through unions since World War Two. The first challenge was to the inequality of male and female wage rates for the same job, institutionalised by the Arbitration Court (Robertson 1991). In the 1970s feminists demanded women's unpaid labour at home be recognised as work, not 'acts of love' (Hartsock 1983:303). In the 1980s the linkages between women's unpaid and paid work were explored, and feminist unionists began to focus on the social practices embedded in occupational segregation which allowed women's work to be undervalued and underpaid. They asserted that what women typically did was *skilled* work (Phillips & Taylor 1980; Steinberg 1990). Some detail of the pay equity campaign and the resulting legislation is provided in Chapter 7. As Chapter 5 recounts, part of the challenge for feminist unionists was to get collective strength of union movement behind its women members.

The equal pay and pay equity campaigns were about changing the basis of reward for labour. The market has always affected reward levels, but the award system put a floor under low rates in the 'secondary' labour market, in particular. The original basis of occupational rates was living costs, and award claims tried to maintain real wages against inflation. Occupational relativities helped deliver this. Comparison with other countries shows that relativities benefited low paid women (Urban Research 1987; Hyman 1987), but also institutionalised gender discrimination (NZCWA 1988;



Robertson 1992). Women argued not for abandonment of awards in favour of greater 'freedom' to negotiate, however, but for a change in the basis of wage setting to eliminate discrimination in employer practices. In the 1950s and 1960s feminists inside and outside the union movement had sought comparison of men's and women's rates for the same job (Moynihan 1986; Corner 1988). In the 1980s they sought comparison of rewards for comparable skills in men's and women's typically different jobs (Urban Research 1987; Wilson 1988; Burns & Coleman 1991; Woodley 1993). By this time, however, employers were also seeking a change in the basis of bargaining, to reflect both the market and employers' ability to pay (NZBRT 1987, 1988b; NZEF 1990a). This appears to have meant 'whichever was lower', since Telecom's profitability in the 1990s has translated into neither higher pay rates nor job retention.

The strategy for achieving equal pay, equal employment opportunity, pay equity and sexual harassment provisions was 'feminist judo; throwing with the weight of the state' (Eisenstein 1986). To do this, the potential voting power of women was used to secure state policy changes to benefit of women. Legislation on pay equity was secured in the months before the 1990 election. The last stages of the campaign ran parallel to NZCTU's corporatist strategy of the Compact and the Growth Agreement - also a strategy which used potential votes to harness state power to the benefit of working people. Unquestionably, NZCTU officials saw their own political strategy and a high public relations profile as legitimate union strategies.

Women officials of the NZCTU recognised the parallel between the pay equity campaign and a Compact between unions and a Labour government. In fact, the same officials who viewed clerical union strategies as public relations rather than classic organising considered pay equity *part of* the Compact strategy, despite its origins in the work of clerical worker officials.

*"The Compact discussions were about a relationship with a Labour Government. Now one of the flow-ons from that relationship was the Pay Equity legislation."*  
(NZCTU Officer, May 1992)

*"What we tried to do with pay equity legislation was to get government to deliver it with decent processes, aims and involvement and that is a Compact strategy. What women saw was that we weren't going to get it done by industrial muscle."*  
(NZCTU Official, May 1992)

These are logical views, coming from women with personal histories of commitment to equal employment opportunity, in particular. As NZCTU officials, they did considerable work on employment equity as the Bill came before Parliament. However, while the employment equity campaign and the Compact were the two central union political issues of 1989 and 1990, NZCTU and government documents on the Compact and the Growth Agreement make no mention at all of pay equity or equal employment opportunity.

The specific concerns of women became part of the official policy of the union movement in the 1980s but, as detailed in Chapter 5, these issues continued to slide to the bottom of the priority list. Collective struggle in the labour market is the purpose of unionism, as was recognised in traditional supports to bargaining and unionisation in New Zealand. Yet the structuring of the labour market by gender and race, as well as class, has not been made central to that struggle.

The greater adverse effect of bargaining 'reform' and the Employment Contracts Act on industrially weak workforces was predictable from an understanding of labour history and the labour relations system in New Zealand. In 1983 union economists warned that a decentralised bargaining system would mean serious problems for workers in low paid occupations, declining industries and rural areas (Kirk & Campbell 1983:98). The effects on women of 'liberalising' state supports to bargaining were pointed out not only by unions representing women but by the National Advisory Committee on the Employment of Women (NACEW 1990:13) and by Labour women politicians (Wilson 1989:106). The case studies of the Clerical Workers and Service Workers Unions documented the effects of the 1984-85 period of voluntary unionism and the 1989 breakdown of three major awards covering low paid women workers. Despite the effect of Employment Contracts Act on collective bargaining by already low paid women, Maori and Pacific Island workers, the evident inequality of their situation has not been made central to a campaign to reject the Act - which might have drawn together the support and resources of women's, Maori and Pacific Island organisations outside the union movement.

## Throwing with the Weight of the State: Feminism or Unionism?

The work of Pringle, Rubery, Franzway, Court and Connell and Offe and Wissenthal suggests that the articulation of collective interests and strategies to pursue these interests are historically contingent and are constructed within the context of particular social and political relations and particular legislative frameworks for labour relations. Offe & Wissenthal (1985:218) warn that what support the state gives, the state can take away. In New Zealand the Employment Contracts Act did indeed remove state supports to bargaining which had benefited industrially weak groups.

Contrary to the arguments of free market lobbyists (NZBRT 1987; Upton 1987; Walker 1989), there is no such thing as a 'non-interventionist' state, nor the 'withdrawal' of the state to allow 'free' collective bargaining. Given the inherent inequality of bargaining power between labour and capital, the state sets the framework for labour relations when it allows unfettered market forces to prevail, as much as through centralised regulation. Nor is state policy neutral with regard to the structuring of the labour market by gender and race, as past studies have also observed (Brosnan, Rea & Wilson 1991; Brosnan 1988). In its different aspects, seen in these case studies, the state is both regulator and a major employer. As Franzway, Court and Connell note:

The fact that the state is both an actor in social struggle, and what is at stake in social struggle, appears again and again in different fields of sexual politics.  
(Franzway, Court & Connell 1989:40)

If state power is contestable, within political or other institutional arenas, it is worth reconsidering the different ways unions in these case studies have harnessed state power. Because of the limited effectiveness of industrial action in many female dominated occupations, collective action by women has often focused on legislative change, rather than industrial struggle with employers. If the collective interests of different groups of women in the labour market are to be more fully represented through the NZCTU, a greater appreciation is needed of the similarities between feminist unionist political strategies and strategies in relation to the state which have been part of New Zealand union tradition.

The simplest relationship with the state observed in these case studies was that of the cleaners unions. Here the strategy was a traditional one of political influence to ensure a negotiating framework favourable to workers without industrial muscle. This operated through an equally traditional relationship with a Labour Party with historic origins in the labour movement. Until 1987 that framework included the possibility of benefiting from the better terms of employment enjoyed by state servants through relativity flow-ons recognised by the Arbitration Court.

The clerical unions went beyond this strategy of relativities to challenge traditional allocations of value to women's and men's work. They went beyond their own membership to work with other feminist unionists, a broader base of women members in a range of unions and the wider community of women's organisations. Feminist unionists drew on the potential power of an identifiably different 'women's vote' (Vowles & Aimer 1990:178) to demand legislation which could be used to redress a gendered imbalance of power in 'market' relations. This public appeal to ideals of 'equity' challenged the fourth Labour government on its own traditional ideological ground.

Yet these were not merely liberal feminist demands for equal citizenship, but a strategy which found leverage in the liberal democratic legitimations of the state (Offe 1984:135,156) - and the ideals of equality which also underpin unionism working within the limitations of the capitalist state (Flanders 1970:38). The purpose of legislative changes to provide sexual harassment procedures and pay equity assessments was to use the power of the state against employers and on behalf of women. Within a socialist feminist analysis, it was a strategy of 'feminist judo' (Eisenstein 1986) en route to radical feminist and socialist change. As Zillah Eisenstein (1981) points out, pushing liberal systems to their limits can mean concrete interim gains, while encountering those limitations has the potential to radicalise those engaged in liberal democratic struggle.

Employer organisations strongly contested the introduction of legislation providing for pay equity assessment (NZBRT 1990; NZEF 1989ab&c; Brook 1990b). They did not oppose legislation on sexual harassment, which was made grounds for personal

grievance procedures by the Labour Relations Act, 1987. This was carried over into the Employment Contracts Act, 1991. The difference was that pay equity would affect labour costs while sexual harassment procedures would not. Resistance to pay equity was in the collective interests of large employers, including the state as an employer of large numbers of women in health, education and welfare services. This resistance was consistent with the Business Roundtable's ongoing campaign to deregulate the labour market, freeing up wage negotiations through the removal first of wage relativities, then of national wage awards. The repeal of the Employment Equity Act when National came to power was a defeat for feminist unionists, but it is by no means the final outcome on the issue. Rather it reveals more clearly the political nature of the struggle against powerful employer interests in the labour market - including the interests of the state as employer.

A more complex relation exists between nurses and the state. Firstly, the state is the authority which grants professional recognition through nurse registration. That professional status gives nurses and their organisations greater control over their labour process than is enjoyed by most non-professional women workers. The state may take that support away, or employers (including the state) may find ways of using unqualified staff or of tightening control by non-nursing managers over autonomous nursing practice, as described in the case study of the nurses unions. However, the political consequences of the state withdrawing from an established responsibility for health give nurses potential leverage beyond the industrial strength which flows from centrality of nursing work to health care services. From the late 1980s the nurses unions began to work in coalitions with community groups concerned about government health reforms, and in 1993 National's proposals to contract out public health services became an important election issue.

With regard to state regulation of labour relations, however, the situation for most New Zealand nurses differs from that of cleaners or clerical workers in the private sector. The state not only sets the labour relations framework, and is the arbiter of equity in the labour market, but is a major employer within that framework. That is, a major employer of women has the ability to set its own rules. At the same time its derives legitimacy from its performance in regard to social equity - including equal access to

health care. This situation benefited nurses in the past with regard to professionalisation, and now offers possibilities for 'feminist judo' in nurses' industrial strategies.

2The struggles of feminist unionists have been *about* institutional forms as well as *within* institutional forms (Offe & Wissenthal 1985:202). Feminists have often stepped outside the framework of one established arena of struggle to change that system through collective action in other arenas. So too have leaders of the union movement (and indeed employers' organisations). In regard to state power, there is an essential similarity between the strategies of the New Zealand union movement, both historically and at present, and feminist unionist strategies, despite differences of content. Both the mainstream union movement and feminist unionists have worked to ensure that state regulation of labour relations enhances the power of workers, particularly those with least industrial strength, relative to that of employers. In this sense, 'throwing with the weight of the state' is a traditional strategy of unionism in New Zealand and Australia.

A political strategy of some kind is essential, since a glance through New Zealand labour history shows that the state has been part of the problem<sup>3</sup> as often as it has been part of the solution<sup>4</sup>. Unions pursued strongly political strategies to establish the arbitration system in 1894 and to extend it in 1936. The Labour Party originated as a political manifestation of the labour movement, and the allegiance of some unionists to Labour remains strong. The market advocates who gained ascendancy in fourth Labour government rejected a corporatist relationship with the unions (Oliver 1989) and opposed the influence of unions affiliates within the Party. The Compact was a strategy to reestablish that influence formally at the level of NZCTU leaders and Cabinet members, to counter the erosion of social policies important to workers and to ensure input by union leaders into government policies on labour relations and

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<sup>3</sup> In 1931 the right to arbitration was repealed at the height of the Depression; in 1951 a National government supported shipowners against unions in the Waterfront Lockout; in 1991 the Employment Contracts Act removed bargaining on the basis of occupational labour markets.

<sup>4</sup> In 1984, the Industrial Conciliation & Arbitration Act supported unionism through occupational awards; in 1936 compulsory unionism was added when the IC&A Act was restored after a three year gap.

industry development. As discussed in relation to arbitration and industrial action, the difficulty has always been formulating a collective position on the state regulation of labour relations which suits unions very differently situated in the labour market.

As argued earlier, it was because of the different positions of men and women in the labour market that the tensions between mainstream NZCTU strategies and feminist unionist strategies arose. However, the political nature of feminist unionist strategies to achieve employment equity and sexual harassment procedures was very much within the tradition of New Zealand unionism. Feminist unionist strategies which went outside the frame of collective bargaining, arbitration, or industrial action and entered the political arena to change the framework of labour relations bargain fits the New Zealand pattern of corporatist arrangements between labour, capital and the state.

Examination of feminist unionism in the light of Offe and Wessenthall's theories of unionism and collective action suggest that it is not difference, but inability to accept difference as contributing to collective strength, that has been the source of tension and gender politics within the union movement.

Feminist strategies remained marginal to the strategies proposed by NZCTU leaders for the union movement, despite policy positions on women's issues. This has generally been the case in other countries also (ICFTU 1991:43). This thesis suggests that lack of a feminist perspective on the labour market has led to an under-appreciation of the historic strategies by New Zealand's own union movement. The benefits of a labour relations system which unionised women in 'secondary' labour market occupations are overlooked because our patterns of union organisation do not match overseas models. For all their imperfections, awards and occupational unions provided minimum rates and protections for jobs in the 'secondary' labour market, and high levels of unionisation for women as well as men. Since the 1970s, the organisational spaces provided by occupational unions facilitated the rise of women to positions of union leadership, to raise issues like childcare and parental leave, unequal pay and sexual harassment, and to make unionism more relevant to the situation and concerns of women workers. What the political strategies of feminist unionists tried

to do was to make the social inequalities arising from the intersection of gender, race and class relations the centre of policies regulating the labour market.

Those controlling state power have, however, had their own agenda, in which responsibility for equity has become an election ploy, by Labour as well as National, rather than a primary concern in state 'management'. As Cabinets of both governments sought to manage the state sector, balance the state economy, and lower labour costs in the state labour market, they identified with the economic views of other large employers (Easton 1989; Jesson 1989). The interests of large employers in labour market 'flexibility' have dominated the traditional interests of small companies in centralised negotiations, low transaction costs and labour market stability (McAndrew & Hursthouse 1990, 1991; NZCWU 1990, 1991; Herbert 1990).

The contradictions of the welfare state, between outcomes of different arenas of struggle within the state (Offe 1984), were still evident under the fourth Labour government. Progress was made on employment equity and on land rights as high unemployment, the loss of arbitration and flatter taxes impacted most strongly on women and Maori (Du Plessis & Jaber 1990; Kelsey 1990; Du Plessis Novitz 1991). Fiscal deficits and changing ideology on the role of the state meant that, by Labour's second term, social policy was subordinated to economic policy. As discussed in the case study of nursing, changes to labour relations legislation and management restructuring were central to ensuring control over labour costs and state spending in health services. Under National, policy contradictions in the area of the labour market were diminished, by the repeal of the Employment Equity Act, lowering benefit rates, the implementation of the Employment Contracts Act and funding cuts to a range of social services.

At the 1993 election NZCTU leaders publicly recommended the opposition Labour Party, despite an earlier neutral policy and a special conference of NZCTU affiliates which declined to endorse any political party (Douglas 1988; Herbert 1993; Roth 1993: 268). But the policies on social equity and labour relations which Labour presented were not strong enough to attract the support needed to return Labour to government, resulting in an initially hung parliament. In 73 out of 99 electorates voters chose a



radically change in the framework for parliamentary democracy - to proportional representation and decision making by consensus<sup>5</sup>.

## Conclusion

Union theory on the relation between collective interests, collective identity and collective action (Offe & Wissenthal 1985) has been drawn on to argue the validity of feminist unionist strategies to build unionism specifically among women workers.

The case studies have shown some of the reasons why political strategies were often more appropriate and more effective than industrial action for the service occupations in which many women are employed. Efforts to negotiate on new matters relevant to women members were blocked by employers or by narrow interpretations of legislation. Public campaigns drawing wide support from women on issues like sexual harassment and employment equity were political strategies to change the framework within which female dominated unions negotiated with employers.

'Throwing with the weight of the state' - using political power to achieve a legislative framework which balances the bargaining power of workers in relation to employers - is traditional to New Zealand unionism. This was the essence of the NZCTU's Compact with the Labour government and of unions' traditional right to state arbitration, as well as of the 'feminist judo' of legislation on equal employment

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<sup>5</sup> National	49 seats	35.2% of votes
	+ 2 seats on special votes	
Labour	46 seats	34.7% of votes
Alliance	2 seats	18.3%
NZ First	2 seats	8.3%
Mix Member Proportional	54% (highest, Auckland Central 69%)	
First Past the Post	46%	
Turnout	74.9%	( <u>NZ Herald</u> 13.11.93)

In the 1992 referendum between FFP and four forms of proportional representation, 84% voted for change, 70.3% of them for MMP (but 48.3% turned out)(NZ Herald 13.19.92). The 1993 referendum followed campaigns supporting FFP, first by politicians of both main parties, then by the Coalition for Better Government, well funded apparently by business interests (MacDonald 1993; Brook 1992).

opportunity and pay equity. Such political strategies, by employers as well as unionists and feminists, are part of changing patterns of corporatism between capital, labour and the state - which may or may not be to the benefit of women.

## CHAPTER 12: CONCLUSION – FEMINISM AND CORPORATISM

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The Employment Contracts Act 1991 disrupted a traditional pattern of corporatism in which women workers had an interest. Arrangements which facilitated bargaining at the level of labour markets had made possible high rates of unionisation among women and provided 'political spaces' in the union movement which feminists began to use to advantage in the 1970s and 1980s. As a strategy, corporatism has always been problematic as well as advantageous for workers, and theorists have focused on the tension between regulation and representation (Jessop 1979). From a feminist perspective, however, the continuing problem of corporatism has been ensuring that the situations and concerns of women workers are fully included, alongside the situations and concerns of men. That is the focus of this concluding chapter.

The strategies of feminist unionists which have been identified in this study are part of the long, under-researched history of women's collective struggle in the labour market and in arenas determining the regulation of labour relations (Boston 1980:9-11; Street 1993:vii-xii). The initial framework for industrial action, arbitration and unionism was developed on the work experience of men. Women have tried to stretch and widen this framework, through revised definitions, wider applications or additional legislation. Over 100 years of labour history slow changes have been made to incorporate the labour market situations and work experiences of women into the labour relations system and into the collective strategies of the union movement.

During the first forty years various Arbitration Court rulings on what constituted an 'industrial' union excluded many women from state supports to bargaining. A 1937 amendment to the IC&A Act clarified the political intention of the time to support union organisation on an occupational basis, whether or not these were 'industry' specific (Moynihan 1986:14-15). Separate Acts in 1960 and 1972 removed the institutionalised inequality of discriminatory female rates of pay in the public and private sector. In the 1980s narrow definitions of what constituted 'industrial matters' for negotiation made it difficult to include issues like sexual harassment procedures and pay equity in award

talks. In the early 1980s parental leave was achieved through separate legislation. The Labour Relations Act, 1987 included a procedure for raising 'new matters', and discrimination and sexual harassment were included as grounds for personal grievance procedures. The Employment Equity Act, 1990 established a separate framework for state arbitration for a specific 'new matter', equal pay for work of equal value, before allowing its incorporation in award negotiations. All these changes to corporatist bargaining arrangements were achieved politically through the parliamentary system and through legislation regulating labour relations. It is to be noted, however, that most of these legislative changes were organised outside the corporatist framework within which the interests of 'capital', 'the unions' and 'the state' were represented.

Over the past decade changes to traditional corporatist arrangements have undermined the bargaining power of industrially weak unions, with particular impact on unions for female dominated occupations. A short period of voluntary unionism in 1984-5 was followed by changes to the form of 'compulsory' union membership which increased the gap between workers covered by awards and actual union membership in occupations with scattered workforces and high job turnover. The Labour Relations Act, 1987 finally removed unions' right of access to arbitration on award negotiations. In 1989 unions were unable to settle awards affecting around a third of all women covered by awards (Coleman 1989). The Employment Contracts Act, 1991 changed the basis of bargaining from the occupational labour market to the individual enterprise, the level at which bargaining by scattered workers in 'secondary' labour market occupations is least effective. The impact on women workers very quickly became apparent in earnings statistics when the gender pay gap began to widen in the months following the expiry of most awards in 1992 (Stats NZ 1993a&b).

Until the 1980s, this history shows a traditional form of corporatism which initially excluded or discriminated against women workers, particularly through perpetuating lower rates of pay for women than for men. It also shows continuing struggle to have women workers and their specific interests more fully represented in corporatist bargaining arrangements. The construction of 'women's interests' within this particular arena of the state (Pringle & Watson 1992) was facilitated by the form corporatism

took in regulating bargaining at the level of occupational labour markets. Exclusive coverage by a registered union and the blanket application of awards to all described workers and their employers gave each union effective occupational closure, with organisation supported by forms of compulsory union membership.

Occupational unions reflected the structuring of the labour market by gender and race, meaning that women were members of large female dominated organisations, which were able to wield political power in a variety of arenas. Although these unions were led by men until the 1980s<sup>1</sup>, they increasingly pursued the labour market interests of their predominantly female members. From the 1980s as feminist unionists were elected to leadership in some of these unions, they sought to include some concerns specific to women union members among the issues which could be negotiated with employers. Once 'new matters' were permitted by the Labour Relations Act 1987, traditional negotiating on an occupational basis had the potential to provide both bargaining power and a flexibility which could benefit women workers.

State supports to unionisation aimed at regulating occupational labour markets facilitated the development of unions for common female dominated occupations often considered 'hard to organise' (Moore 1986; Crain 1991:1158). As a result, New Zealand women have been highly unionised by international standards but were under-represented in union leadership (Geare, Herd & Howell 1979; NZPSA 1976; ICFTU 1991). From the mid 1970s, however, women became increasingly active in union decision making structures (Sarr 1992). As part of a new wave of feminist activism, both local and international, women began to bring a feminist analysis to unionism and to use the collective power of women's numbers in unions.

*"The union movement has been more at the forefront of activities for women in this country than it has in other countries. We used the institutions that we had and used them effectively to address issues of labour market equity."*

(NZCTU Elected Officer, May 1992)

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<sup>1</sup> The professional organisation for nurses was always women-led, but, as discussed in the case study, did not consider itself a union and resisted registering a union for nurses employed in the private sector under the IC&A Act until 1974.

As more women stood for union office and were hired as organisers, a few large unions with predominantly women members became organisational bases from which feminist unionists addressed gender inequality at work. They saw unions as vehicles for social as well as economic change, which could improve the situation of all women workers, as well members of a particular union. This thesis has explored the ways in which feminist unionists sought to develop a stronger collective identity among women workers, constructed new sets of specifically 'women's interests' and developed new strategies for furthering them. One of these strategies was the achievement of 'political space' within the union movement through women-only organisations and committees for specific representation of women and Maori, and for women, Maori and Pacific Island workers within particular unions. These paralleled the political space provided by large women-led unions for female dominated occupations. Feminist unionists articulated concerns specific to women through the Working Women's Charter and through political action for legislation on such issues as parental leave, sexual harassment and employment equity.

Detailed analysis of unions covering clerical workers, cleaners and nurses has shown how the concrete situation of different sets of workers in the labour market underlies the diverse positions that unions take on changes to the legislative framework for labour relations. Despite considerable differences in their situations, these unions representing female dominated occupations favoured the right to arbitration on disputes over award negotiation rather than relying solely on industrial action. They also preferred occupational awards as the continuing basis of bargaining. For nurses, national awards and relativities between nursing awards were linked to a strong collective identity as professional nurses, as well as a national labour market. For unions like the Services Workers and Clerical Workers (who represented the lower end of the clerical work market), the arbitration package underpinned high rates of female unionisation and provided legally enforceable minimum wages and conditions in the 'secondary' labour market in which women, Maori and Pacific Island workers are concentrated (Brosnan 1987, 1988; Brosnan, Rea & Wilson 1991).

A contrast between these commonalities of interest between unions for female dominated occupations and the collective interests of many unions representing

predominantly male workers accounts for the importance of gender politics within the union movement from the late 1970s. Collective action is underpinned by the formation of collective identity (Offe & Wissenthal 1985), but identity is established relationally around differences, including those of gender (Pringle & Watson 1992:66). As feminist unionists moved into the 'political spaces' provided by women's committees and large female dominated unions in the 1980s, they presented a challenge not only to male dominance within the union movement but to changes in the corporatist arrangements between capital, labour and the state 'conducted as if men's interests were the only ones that exist' (Pringle & Watson 1992:57).

A comprehensive women's history of New Zealand labour relations would focus on the slow incorporation of the occupational labour markets in which women are concentrated - including low paid, casualised service occupations in the 'secondary' labour market - and of concerns specific to women which their unions raised.

In struggle over both the content of negotiations and the legislative framework for negotiations with employers' organisations and the state itself, unions sought to unite their bargaining power behind common strategies through the Federation of Labour and the NZ Council of Trade Unions. Tensions developed as feminist unionists challenged the way women were under-represented in union leadership and the way issues raised in the Working Women's Charter continued to be marginalised. However, gender politics were just one of several strong tensions running through these federal organisations.

The longest standing differences have been between unions that felt able to use industrial action to back positions adopted in negotiations and those that relied on access to state arbitration to balance their bargaining power against that of their employers. This tension between 'mobilisation' unions and 'arbitrationist' unions (Brosnan, Smith & Walsh 1990:100) has a gendered aspect. Male workers are concentrated in production, transport and energy. These are key areas of the economy and infrastructure where withdrawal of labour is an effective strategy and where occupational interests were more aligned with industries. Recession and technological change affecting these areas of employment account for increasing dissatisfaction in the 1970s among some unions with corporatist controls and

increasing interest in industry based strategies in the 1980s. These unions have always been strongly represented in the union movement. However, not only have there been shifts of strategy by some of these unions away from arbitrated award bargaining, by 1992 membership losses under the Employment Contracts Act reduced the voting power of 'arbitrationist' unions.

More recent differences to be bridged within the union movement have been between public and private sector unions, brought together in the NZCTU and under a single framework for labour relations bargaining. Differences between organising situations, styles of operating, industrial strength and preferred strategies have led to an increase in the number of private sector, male dominated unions outside the NZCTU and now organising together in the Trade Union Federation. The difficulty is to establish strategies which can both unite the union movement and serve the increasingly diverse interests of a range of unions in public and private employment, in 'primary' and 'secondary' labour markets and in male and female dominated occupations.

In considering union strategies, I have focused particularly on tensions arising between what I identify as 'feminist unionist strategies' and the 'classic unionism' and corporatist 'strategic unionism' espoused by NZCTU officials. 'Classic unionism' describes traditional methods of workplace organising through delegates, collective solidarity and industrial action. Reliance on these methods was to be supplemented by political negotiation between national NZCTU leaders and Labour politicians through the Compact.

Feminist unionist strategies provided an alternative for groups of women workers for whom 'classic' strategies were unrealistic. A distinctive feature was organising politically through public campaigns involving large numbers of women. Building on state supports to unionisation and bargaining which had resulted in large unions with female dominated membership, feminist unionists tried to increase women's involvement in their unions by addressing the ways in which women were disadvantaged in paid employment. Using the political power of large membership numbers and support from the wider women's movement, they tried to resolve this disadvantage by changing the legislative framework for labour relations. These



campaigns were on issues like equal pay, sexual harassment or employment equity which had not been resolved in award negotiations. Since they usually also met initial resistance within the union movement, campaigns generally targetted political arenas in ways that did not - in their early stages - work through 'macro corporatist' contact between union movement and political leaders (Wassenberg 1982).

Just as 'women's interests' articulated in the New Zealand context are informed by an international feminist analysis, so too are opposing positions informed and influenced by international discourses. The international origins of the free market ideology espoused by New Zealand business organisations and some politicians in a tightening capitalist economy were touched on in Chapter 4. Unionism rests on a recognition of differences of interest and of bargaining power between employers and workers. In New Zealand there is a growing understanding of the global nature of the capitalist economy and unions have international connections. I would suggest, however, that the strategies currently being adopted by NZCTU officials draw too strongly on the articulation of labour's interests within the regulatory frameworks of other countries, rather than on the social and institutional arrangements developed in Australia and New Zealand. As I indicated in Chapter 4, patterns of corporatism elsewhere which have been relatively successful have been based on union organisation primarily in the production sector, with little representation of service workers in the 'secondary' labour market. Corporatism is often negotiated between labour, business and political leaders at the highest level, rather than in ways which facilitate direct input from groups in different occupational labour markets. These overseas patterns were proposed as a model for New Zealand with little consideration of their effect on women and other social groups marginalised in the labour market.

Offe & Wessenthal consider that struggle *within* political forms and *about* political forms is a feature of class of struggle (Offe & Wessenthal 1985:202) and New Zealand labour history shows that this is equally true of labour relations. The interests of 'capital', the state' and 'the unions' are represented both *within* the institutional forms for labour relations negotiations and in other arenas in which the struggle is *about* the form these institutions should take. 'Classic' unions as well as 'arbitrationist' unions, feminist unionists as well as strategic unionists have tried to 'throw with the weight of the state'

(Eisenstein 1986). As the case studies indicate, the changes to form and content sought by feminist unionists have differed from those sought by the mainstream union movement, because of the different concerns and industrial positions of women in paid employment.

In the 1980s, the Business Roundtable was pressing for labour market flexibility through change to the form of bargaining, not its content; specifically, an end to relativities and national awards (NZBRT 1987, 1988b). When feminist unionists tried to include new matters like sexual harassment and pay equity in direct negotiations, sexual harassment procedures were resisted by employers and pay equity was ruled out of jurisdiction by the court (Moynihan 1986:106; Urban Research 1987:44-17). Blocked within the institutions regulating bargaining, the strategy of feminist unionists was to step outside the corporatist framework and, gathering support from a range of individual women and women's organisations, take the issues to the parliamentary system to secure legislation which could include women's concerns on the agenda for negotiations.

While unions other than female dominated ones were interested in introducing 'new matters' into award talks, Federation of Labour leaders and some unions with industrial strength were also seeking change in the form of bargaining, in a loosening of the traditional trade-off between arbitration and the right to strike (Walsh 1989:155). In 1989 unions' inability to take employers to arbitration meant several awards for low paid, female dominated occupations remained unsettled for over a year.

Greater 'flexibility' of bargaining form at the 'meso' level was accompanied by tightening informal relations at the macro level - but between government and big business, excluding union influence. Formal tripartitism was rejected by employers (NZBRT 1988b; Oliver 1989:12) but collective action by employers for full deregulation of the labour market was very much at the 'macro' level, between the Business Roundtable and Employers Federation and what has been called 'the fraternal state' (Pringle & Watson 1990). It was the old polka in a new pattern strongly led by capital, which politicians as state employers and managers of fiscal deficits were happy to follow.

The response of NZCTU officials was to tap Labour on the shoulder and ask formally to join the dance. In 1989 union leaders sought a new form of macro corporatist understanding with government to balance the influence of the Business Roundtable. The cost of a formal macro-level partnership, between a Labour government and the NZCTU, was greater conformity to a universalist model of corporatism (Lehmbruch 1982; Rubery 1988:253). This would include the restructuring of union organisation, as well as collective bargaining (Boxall 1990:540), to reflect business organisation. What was essential to macro corporatist negotiation was that a disciplined union movement (and equally disciplined employers) would deliver on arrangements agreed upon by national leaders. This exchange between interest representation and control is at the heart of corporatism, and presupposes effective organisation (Jessop 1979: 195, 200).

An exchange between interest representation and control was also the basis of traditional arbitration at the meso-level, when groups of employers and union officials settled state enforced terms of employment for a particular occupation. Wage fixing through corporatist bargaining organised at this level meant that the power of labour was not just in the hands of national leaders of the union movement. Large occupational unions provided 'political spaces' from which government policy and the legislative framework could also be influenced. This was now to be reorganised on an industry basis, with a macro-level Compact and future agreements to be settled by national NZCTU leaders. In the countries from which this model is drawn, industry based unionism reflects the patterns of worker organisation that have been historically possible within particular systems of labour relations regulation. New Zealand's labour history and patterns of regulation are specific to this country, but the relative merits of occupational and industry unionism have never really been publicly debated (Hill 1991b). However, the Compact with the Labour government presupposed a high level of organisation and union discipline under NZCTU leadership. Unorthodox strategies were to be brought into conformity with 'classic unionism' and the 'strategic unionism' of the Compact on an industry based model of union organisation.

It was a strategy that disregarded the situation of many women workers. As discussed in Chapter 3, labour market statistics show that the segregation of women,

Maori and Pacific Island workers is much more marked by occupational than by industry. NZCTU's (1989a) plan to restructure the union movement into industry based, then large sector based unions, would obscure but not change this. Workers with certain skills and certain social attributes would continue to compete for jobs in occupational markets, many of which do not coincide with industry divisions. Although some industries and sectors are female dominated, the proportion of women relative to men is smaller. Under the NZCTU plan, there would be fewer organisational spaces in which women would be able to achieve the 'critical mass' at which women have become leaders and prioritised women's interests in the union movement, in negotiations and in strategies in relation to the state.

Meantime, Business Roundtable and Employers Federation leaders were successfully furthering their interests through informal macro corporatist influence with politicians of the other main political party (Walsh & Ryan 1993:15), as well as more public strategies to direct the legislative outcomes of the parliamentary system (NZBRT 1989, 1990, 1992; Brook 1990a&b, 1992; Danzon & Begg 1991; NZEF 1989ab&c, 1990a&b, 1991; NZBRT/NZEF 1992). The Compact was of no interest to employers' organisations and was rejected by the National government when it came to power in November 1990. However, union restructuring on an industry basis was partially furthered by the Employment Contracts Act through the collapse of one large cross-industry occupational union and loss of membership (and voting power) among some others - all in the already flexible 'secondary' labour market.

National's Employment Contracts Act abolished meso level corporatism and refocused formal bargaining at the micro level of the individual worker and the individual enterprise. Most of the meso level organisation among employers had been facilitated by the award system, now abolished (Webster 1993:244), with policy developed through the Employers Federation (Roper 1993b:152). The Employment Contracts Act passed the initiative to individual employers, not employers' organisations (Boxall & Haynes 1991:6). Evidence from these case studies suggests that industry based associations, previously occupied with other policy areas, are taking a stronger role in labour relations, with some recommending that employers negotiate only individual contracts. This suggests organisation and discipline in adopting the Business

Roundtable's agenda is being improved through the different levels of the employers' 'corporation' (Jessop 1979:195, 200), although a few employer groups have opted for multi-employer contracts. This is an area which warrants continuing research.

The remedy proposed by the Labour Party and the NZCTU to the impact on unions of the Employment Contracts Act is to grant workers the right to initiate multi-employer contracts, backed by the right to organise and to strike. This offers little to fragmented, industrially weak workforces. The outcome for women concentrated in such workforces is continuing decollectivisation, deunionisation and considerable reduction in the organisational spaces in the union movement through which feminist unionists had organised around women's specific concerns at work and in markets for their labour.

The New Zealand experience over the 1980s was that 'women's autonomous organisation outside and inside trade unions and political parties' was, as Cynthia Cockburn suggests, 'the route to change' on gender inequality in the labour market (Cockburn 1988:41). Union organisations which reflected women's concentration in particular occupations and women-only groupings within the union movement provided the political space for such autonomous organisation. This facilitated leadership by women, who tend to give greater priority to issues arising at the intersection of gender and class relations (Curtin 1991). Despite setbacks in the 1990s, these case studies help document some notable achievements by feminist unionists in the 1980s - the Working Women's Charter, parental leave, improved representation of women in the union movement, sexual harassment procedures, equal employment opportunity programmes and pay equity.

Issues raised by Maori and Pacific Island workers have met less success. Committees for specific representation of these groups in the NZCTU and some unions have been less effective. The occupational concentration of these workers has not provided the 'critical mass' to achieve significant union leadership. As with the individual unions studied here, the union movement has put little weight behind policy commitments which were achieved in relation to these groups. Nor has the movement forged the links it might have with well-organised Pacific Islands communities, or with the strong

organisational and political bases from which Maori have been highly effective over the 1980s.

Some of the successes of feminist unionists in the 1980s - such as legislation introducing pay equity assessments - were predicated on a particular framework for bargaining which has now been abolished, as has employment equity legislation itself. State supports to unionism, on which feminist unionism was built, have also been removed. This has impacted most severely on unions covering the 'secondary' labour market and has already affected aggregate female unionisation rates in the private sector. Fewer women union leaders now represent small numbers of members than in the late 1980s (Sarr 1993). Nevertheless, unions representing most low paid women's occupations continue to exist under the Employment Contracts Act. Union representing nurses and teachers have retained very high rates of membership in these professions, and members are increasingly willing to defend their negotiating position with industrial action. Some feminist successes, such as sexual harassment procedures and equal employment opportunity programmes in the state sector, are a component of current legislation. The Equal Pay Act, 1972 is still in force, and may still offer some protections or possibilities within an enterprise bargaining framework (Hyman 1993). However, the new regime means that unions are negotiating within a much more difficult environment. It remains to be seen to what degree the changed and changing union movement will be able to provide a base for feminist activism on the gender specific concerns of women workers in the 1990s.

This research suggests that occupational unions have been a strategically useful form of organisation for women. While the content of 'women's work' varies culturally and historically, segregation by gender is itself extremely persistent (Cockburn 1988:32; Milkman 1987) and is likely to provide the context for gender politics around labour market inequality for some time to come. Within each historical context, 'women's interests' are constructed as feminists seek out the liberatory potential within the constraints of different situations (Pringle & Watson 1992). In this study we have seen the way some occupational unions led by women provided an organisational base for this. In reflecting the labour market segregation through which women are margina-

lised and disadvantaged, occupational unions brought together large numbers of women in similar situations and with similar concerns.

While equal employment opportunities was part of the campaign for employment equity, a strong position taken by feminist unionists was that there was *nothing wrong* with the work women do; it is skilled and socially valuable work. What they were seeking to change was the way that work was undervalued, giving women lower earnings than men. Increasing employment opportunities for women was one way of equalising male and female earnings. As long as the segregation of women into particular occupations persists, however, it provides the potential for autonomous organisation and collective action by women (Cobble 1990:541-2) which can be harnessed to challenge inequality. The case studies have provided examples of this. As women came to lead female dominated occupational unions, and as feminist unionists organised women-only committees, these organisations provided union education with a feminist perspective directed at connecting women's experience of work with collective action for change. The large memberships of female dominated unions like the clerical workers' and nurses' unions meant they had potential political strength, even when industrial action was problematic.

Jill Rubery (1988) has raised questions about the role of labour relations regulation in constructing women's labour market disadvantage. This study of labour relations change in New Zealand suggests that regulation which operated at the level of occupational labour markets, rather than industries, facilitated unionisation and collective bargaining in the 'secondary' labour market in which women and racial minorities are concentrated. Regulatory supports to bargaining at this level overcame the fragmentation of collective bargaining strength and lack of industrial leverage which underlie labour market disadvantage. In New Zealand occupational unionism allowed women's concentration in particular occupations to provide the 'political space' to construct 'women's interests', and the political power of large membership numbers to achieve some changes to the regulatory framework for labour relations.

Through traditional corporatist arrangements, in which labour capital and the state were represented, the labour market was regulated through a network of minimum

wage rates and conditions for each occupation. This meant that state regulation was being organised through the same mechanism as the labour market inequality of women and racial minorities - occupational labour markets. Until the Equal Pay Act of 1972, state regulation had helped perpetuate gender inequality by just this means. However, occupational awards could also deliver rights and remedies - including pay equity assessments - to large number of working women. This traditional form of corporatist bargaining, centred on occupational labour markets, was a form which had the potential for interest representation and state control on issues of gender inequality constructed through the labour market. With the rise of feminist unionism in the 1970s and 1980s this potential was beginning to be realised through the Employment Equity Act. However, the pursuit of 'flexibility' by large employers led to the repeal of that Act, and the change to bargaining enterprise by enterprise.

Dorothy Smith (1979:176) suggests that 'the conditions of our action and experience are organised by relations and processes outside them and beyond our control'. Many women and their concerns were somewhat 'outside the frame' (Smith 1979:146) of the concepts and institutional forms of corporatism and unionism negotiated between men. But these accounts show women stepping repeatedly outside the forums in which their interests were marginalised and into other arenas to change the framework shaping the outcome of the original struggle. Different strategic possibilities open to feminists within different frameworks (Pringle & Watson 1992:54), but different frameworks, both discursive and legislative, are the result of feminist activism. Some of the issues pursued by feminist unionists in these case studies were reactions to changes in labour relations regulation, or to strategies proposed by NZCTU leaders, but others were issues - for example, equal pay, sexual harassment, equal employment opportunity and pay equity - identified and raised by feminist unionists themselves. 'The state', 'the unions' and 'the employers' found themselves obliged to assess their own interests and adopt positions on these demands. When resistance on these issues was met within the bargaining framework or were ruled out of court, feminist unionists set about trying to change the corporatist framework through political action.



What is notable from these accounts of feminist unionism in New Zealand in late 1970s and 1980s is that 'feminist judo' (Eisenstein 1986) was a successful strategy for women working through unions. Feminist unionists demanded representation for women within corporatist bargaining arrangements. When issues specific to women union members were excluded from negotiable 'industrial matters' - by court rulings, by employers, or by marginalisation within the union movement - they worked politically, using the parallel parliamentary system to change the institutional forms within which unions and employers negotiate.

In the 1990s there have been severe setbacks - to pay equity, to union representation for women in the private sector and to the union movement as a whole. However, Craig Littler (1991:51) cautions against 'collapsing strategy and outcomes...To follow a strategy does not imply success'. Success may be partial, or meet later defeat by the reactive strategies of others, without invalidating the strategy. Feminist unionists strategies in relation to pay equity were successful in rallying members, in gaining support from other women and women's organisations and in achieving employment equity legislation through political pressure. However, this bid for equity was strongly countered by the Employers Federation (1989 ab&c; Burton 1989a&b), the Business Roundtable (1990; Brook 1990b) and Treasury (1990), and the Employment Equity Act was repealed by the National government. Employers too can step outside the bargaining arena and use their political power to get the rules changed; this exactly describes the Business Roundtable lobby for labour market deregulation (Roper 1993b). Limited opposition and partial remedies from NZCTU leaders to changes which would impact most strongly on women also suggest that the labour market positions and specific concerns of women workers continue to be marginalised.

What this study and the bargaining 'reforms' themselves make clear is the highly contested nature of the social institutions which surround employment relations and labour market negotiations. Institutional arrangements which were taken for granted for 50 years, or 100 years, can dissolve when the shifting interests of powerful groups lead to the rejection of established compromises. The struggle around the form and content of institutional arrangements is renewed against a different economic and political background. Outcomes of struggle in different arenas of labour relations,

politics and the state are 'always likely to be partial and temporary' (Pringle & Watson 1992:63). The NZ Clerical Workers Union provides an example. A large private sector union, at the forefront of successful campaigns for legislative change on sexual harassment and pay equity, potentially benefiting large numbers of working women, collapsed because of radical change to a labour relations system originally established to support bargaining by workers with little industrial muscle.

In showing this, the research provides empirical support for recent socialist feminist theorising on the intersecting practices of capitalism, patriarchy and state formation. Franzway, Court & Connell (1989) have suggested that the most seemingly intransigent structures of our society are the 'congealed' outcomes of struggle between unequal social groups pursuing collective interests in a variety of arenas (Franzway, Court & Connell 1989:334-35). Social structures are therefore always amenable to resistance and to change. Underlying the occupational structuring of the labour market are the intersecting practices of gender, race and class relations which create and reproduce social inequality. Feminist unionists have focused on gendered practices at work and on wage bargaining which maintain women's disadvantage in the labour market. They have organised resistance to these practices, working both through the unions of which New Zealand women were already members and through the political system in which they were voters.

What the thesis seeks to emphasise is that, not only has unionism been a vehicle for feminism, but that feminism is a powerful means of organising and involving women in unionism. By articulating women's concerns and experiences at work and by providing an analytical framework to understanding women's marginalised position in the labour market, feminism can facilitate a stronger collective identity and the construction of collective interests among women workers, leading on to collective union action.

*"They say that women being in unions weakens the union, stops them being so militant. Women are busy talking about sexual harassment and 'peripheral' issues. But when you look at the organising that women have done and the power that women have had to change things...women are a very positive source of organisation."*  
(NZCWU Official, Aug. 1991)

## REFERENCES

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- ACTU/TDC. *Australia Reconstructed: ACTU/TDC Missions to Western Europe*. Canberra: Australian Government Publications, 1987
- Ahlen, Kristina. "Recent Trends in Swedish Collective Bargaining: 1. Collapse of the Swedish Model; 2. Heading Towards Negotiated Incomes Policy?" *Current Sweden* 358, 359, March 1988
- Alliance Party. *Together We Can Make a Difference: Alliance Manifesto*. Wellington, 1993
- Alexander, Malcolm & Georgina Murray. "Economic Power in Australia: Interlocking Directorships and Political Activity in the Australian & NZ Capitalist Class." Paper to Sociological Assn of Aotearoa Conference, Hamilton, December 1991
- Andersen, G. H. "Trade Union Organisation of Women." Paper to the Trades Council Seminar on The Problems of Women at Work. Auckland, 1975
- Anderson, Gordon. "The ECA 1991: An Employers' Charter?" *NZ Journal of Industrial Relations* 16(2), (1991):127-142
- Anderson, Gregory. "The White Blouse Revolution." In *White Blouse Revolution: Female Officer Workers since 1870*, edited by G. Anderson, 2-26. Manchester: Manchester University Press, 1988
- Antoinette A" & "Antoinette B". "Feminism and Trade Unionism in the French Confederation Generale du Travail." *Feminist Review* 16 (1984):55-63
- Atmore, Chris. "Other Halves: Lesbian-Feminist Post-Structuralist Readings of Some Recent NZ Print Media Representations of Lesbians", PhD (Sociology) thesis, Victoria University of Wellington, 1992
- Austrin, Terry. "Electronic Texts and Retailing: The Transformation of Work In the Finance Sector." In (eds) *Controlling Interests: Business, the State and Society in NZ*, edited by John Deeks & Nick Perry, 177-190. Auckland: University Press, 1992
- Bagguley, Paul. "The Patriarchal Restructuring of Gender Segregation: A Case Study of the Hotel & Catering Industry." *Sociology* 24(4) (1991): 607-625
- Barnes, Hazel. *Women Night Cleaners*. Wellington: Department of Labour, 1981
- Barrett, Michele & Mary McIntosh. "Ethnocentrism and Socialist-Feminist Theory." *Feminist Review* 20, (1985) 23-48
- Barron, R.D. & G. M. Norris. "Sexual Divisions and the Dual Labour Market." In *Dependence & Exploitation in Work & Marriage*, edited by D. Barker & E. Allen, 47-69. London: Longman, 1976
- Bassett, Michael. *Confrontation '51: The 1951 Waterfront Dispute*. Wellington: Reed, 1972
- Baxter, Janeen. "Domestic Labour: Issues and Studies." *Labour & Industry* 3(1) (1990): 112-145
- Beale, Jenny. *Getting It Together: Women as Trade Unionists*. London: Pluto, 1982
- Beechey, Veronica. "Conceptualising Parttime Work" in *Unequal Work* edited by Beechey, 149-168. London: Verso, 1987
- Bellhart, P. "Reading Politics: Social Theory & Social Policy." *Australian & NZ Journal of Sociology* 23, (1987): 288-407
- Bell, Colin & S. Encel. *Inside the Whale*. Sydney: Pergamon, 1978
- Bertone, Santana. "Immigrant Workers and Trade Unions." Paper to Industrial Relations Conference, Auckland, January 1993
- Bessant, Judith. "Good Women and Good Nurses; Conflicting Identities in the Victorian Nurses Strikes, 1985-86." *Labour History* 16, (1992): 155-173
- Bhavnani, Kum-Kum & Margaret Coulson. "Transforming Socialist-Feminism: The Challenge of Racism." *Feminist Review* 23 (1986): 81-92
- Birch, Bill. "Bill Birch Encourages Employers." *The Employer*, October 1989
- . "New Choices in Industrial Relations." National Party policy on Industrial Relations, May 1990
- . "New Era in the Workplace." *NZ Herald*, 21 January 1991
- . "Doing it Better, Doing it Smarter." *NZ Herald*, 18 February 1993
- Blaikie, Jane, "Unions Just Do It So Much Better." *Labour Notes* 10 (1993): 10
- Bolger, J.B. "Reasons for Voluntary Unionism in 1983." In *Voluntary Unionism*, edited by Peter Brosnan, 23-46. Wellington: Industrial Relations Centre, Victoria University, 1983
- Booth, Anna & Linda Rubenstein. "Women in Trade Unions in Australia." In *Playing the State: Australian Feminist Interventions*, edited by Sophie Watson, 121-135. London: Verso, 1990

- Boston, Jonathan. "The Treasury and the Organisation of Economic Advice: Some International Comparisons." In *The Making of Rogernomics*, edited by Brian Easton, 68-91. Auckland: Auckland University Press, 1989
- Boston, Sarah. *Women Workers and the Trade Unions*. London: Lawrence & Wishart, 1980
- Boswell, Kath & Denise Brown, with Jo Maniopoto & Tamati Kruger. *At the Grassroots: Community Responses to Unemployment*. Wellington: NZ Planning Council, 1990
- Bowie, R.D. "The Dual Labour Market." In *Studies in the Labour Market*, edited by Brian Easton, 72-81. Wellington: NZ Institute of Economic Research, 1983
- Boxall, Peter. "Towards the Wagner Framework: Change in NZ Industrial Relations." *Journal of Industrial Relations* 32 (1990): 523-43
- . "NZ's Employment Contracts Act 1991: An Analysis of Background, Provisions and Implications." *Australian Bulletin of Labour* (1991): 17
- & Peter Haynes. "The Impact of the Employment Contracts Act, 1991 on Unions and Non-Union Bargaining Agents: An Assessment after 12 Months." Paper to One Year On seminar, Wellington, 15 May 1992
- Breen, Steph. "The NZ Nurses Union." *Praxis* 3(2) (1988): 17-19
- Bremer, Robert. "Federated Farmers and the State." In *State and Economy in NZ*, edited by Brian Roper & Chris Rudd, 108-127. Auckland: Oxford University Press, 1993
- Bradley, Harriet. *Men's Work, Women's Work*. Cambridge: Polity, 1989
- Braverman, Harry. *Labour & Monopoly Capital: The Degradation of Work in the 20th Century*. New York: Monthly Review Press, 1974
- Briar, Celia, Robyn Munford & Mary Nash (eds). *Superwoman, Where Are You? Social Policy and Women's Experience*. Palmerston North: Dunmore Press, 1992
- Brook, Penelope. "Reform of the Labour Market." In *Rogernomics: Reshaping NZ's Economy*, edited by Simon Walker, 183-207. Wellington: NZ Centre for Independent Studies/CP Books, 1989
- . *Freedom at Work*. Auckland: Oxford University Press, 1990a
- . *The Inequity of Pay Equity*. Wellington: Centre for Independent Studies, 1990b
- . *An Analysis of Proposals for Constitutional Change in NZ*. Wellington: NZ Business Roundtable, 1992
- Brosnan, Peter (ed). *Voluntary Unionism*. Wellington: Industrial Relations Centre, Victoria University, 1983
- . "Maori Pakeha Differentials in Incomes and Hours Worked: A Study of Sample Data for Selected Occupations." *NZ Journal of Industrial Relations* 10 (1985): 83-91
- . "Maori Occupational Segregation." *Australia & NZ Journal of Sociology* 23(61) (1987): 89-103
- . "Pacific Island People Migrant & Minority Workers in the NZ Labour Market." Paper to Migrant Workers, Information and Human Rights Conference, Melbourne. Wellington: Industrial Relations Centre, Victoria University, December 1988
- & Raymond Harbridge. "Race Gender and Wage Flexibility in NZ 1984/85 - 1987/88." Paper to Industrial Relations Research Association, Brussels, September 1989
- , David Smith & Pat Walsh. *The Dynamics of NZ Industrial Relations*. Auckland: John Wiley, 1990
- , P. Walsh & P. Rowe. "The Inactivities of Employer Unions." *NZ Journal of Industrial Relations*, 10 (1985): 141-156
- & Frank Wilkinson. *Low Pay and the Minimum Wage*. Monograph No.2. Wellington: NZ Institute of Economic Research, 1989
- & ---. "Low Pay and Industrial Relations: The Case on Contract Cleaning." *NZ Journal of Industrial Relations* 14 (1989): 83-89
- & Moira Wilson. "The Historical Structuring of the NZ Labour Market." Wellington: Industrial Relations Centre, Victoria University, 1989
- , David Rea & Moira Wilson. "Labour Market Segmentation and the State: The NZ Experience." Working Paper 7/91. Wellington: Industrial Relations Centre, Victoria University, 1991
- Brown, Shannon. "Female Office Workers in Auckland, 1891-1936." MA in History, University of Auckland, 1993
- Bruegel, Irene. "Sex and Race in the Labour Market." *Feminist Review* 32 (1989): 49-63
- Bunch, Charlotte. "Not by Degrees: Feminist Theory and Education." In *Learning Our Way: Essays in Feminist Education*, edited by Charlotte Bunch & Sandra Pollant, 248-260. New York: The Crossing Press, 1983
- Burns, Janice & Martha Coleman. *Equity at Work: An Approach to Gender Neutral Job Evaluation*. Wellington: State Services Commission/Dept of Labour, 1991

- Burton, Barbara. "Pay Equity: The Present Position." *The Employer* 116 (1989a)
- . *Pay Equity: The Comparable Worth Proposals*. Address to NZ Institute of Personnel Management. Wellington: NZ Employers Federation, 1989b
- Burton, Clare. *Subordination: Feminism & Social Theory*. Sydney: Allen & Unwin, 1985
- with Raven Hag, Gay Thompson. *Women's Work: Pay Equity and Job Evaluation in Australia*. Canberra: Australian Government Publishing Service, 1987
- Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge, 1990
- Campbell, Rob & Alf Kirk. *After the Freeze: NZ Unions in the Economy*. Wellington: Port Nicholson Press, 1983
- Carey, Shona M. "Professionalism and Unionism: Transcending the Conflict." In *Objects and Outcomes*, 22-44. Wellington: NZ Nurses Assn, 1984
- Carroll, M. Patricia. "Basic Nursing Education." In *Objects and Outcomes*, 64-87. Wellington: NZ Nurses Assn, 1984
- Chapman, Robert. "From Labour to National." In *Oxford History of NZ*, 333-368. Wellington: Oxford University Press, 1981
- Charles, Nicole. "Women and Trade Unions." In *Waged Work: A Reader*, 160-185. London: Feminist Review, 1986
- Clark, Helen. "Labour's Industrial Relations Policy." Speech to 7th Annual Industrial Relations Conference, March 1993. Also personal correspondence
- Cobble, Dorothy. "Rethinking Troubled Relations between Women and Unions: Craft Unionism and Female Activism." *Feminist Studies* 16(3) (1990): 519-544
- . "Organising the Post-Industrial Work Force: Lessons from the History of Waitress Unionism." *Industrial & Labor Relations Review* 44(3) (1991a): 419-436
- . "Union Strategies for Organising and Representing the New Service Workforce." Address to IRRRA 43rd Annual Conference, Labor Education Centre, Rutgers University, New Jersey, 1991b
- . *Dishing It Out: Waitresses and Their Unions in the Twentieth Century*. Chicago: University of Illinois Press, 1991c
- Cockburn, Cynthia. *Brothers*. London: Pluto, 1983
- (ed). "Trade Unions and the Radicalising of Socialist Feminism." *Feminist Review* 16 (1984): 43-73
- . *Machinery of Dominance: Women, Men and Technical Know-How*. London: Pluto, 1985
- . "The Gendering of Jobs: Workplace Relations and the Reproduction of Sex Segregation." In *Gender Segregation at Work*, edited by Sylvia Walby, 29-42. Milton Keynes: Open University Press, 1988
- . *In the Way of Women: Men and Resistance to Sex Equality in Organisations*. Ithica, New York: ILR Press, 1991
- Coleman, Martha. "A Trade Union Perspective on Sexual Harassment." Paper to NZ Clerical Workers Association Conference, Wellington, October 1988
- . "Compulsory Arbitration: An Essential Protection for Women Workers." Keynote speech, Women's Studies Conference, Christchurch, 25 August 1989
- Collins, Simon. "Rogernomics: The Economic Aftermath." In *The Making of Rogernomics*, edited by Brian Easton, 188-206. Auckland: Auckland University Press, 1989
- Cook, Judith A. & Mary Margaret Fonow. "Knowledge and Women's Interests: Issues of Epistemology and Methodology in Feminist Sociological Research." *Sociological Inquiry* 56(1) (1986): 2-29
- Coney, Sandra. *The Unfortunate Experiment*. Auckland: Penguin, 1988
- Connolly, Clara & Lynne Segal. "Feminism and Class Politics: A Round-Table Discussion." *Feminist Review* 23 (1986): 13-29
- Conway, Peter. "National's Blitz: Labour Market Reform." *Race Gender Class* 11/12 (1991): 2-9
- Corner, Margaret. *No Easy Victory: Towards Equal Pay for Women in the Government Service 1890-1960*. Wellington: NZPSA, 1988
- Couchman, Paul K. "Gender and Control in Offices of the NZ Public Service, 1880-1920." *NZ Journal of Industrial Relations* 15 (1990): 35-48
- Coyle, Angela. "The Protection Racket." *Feminist Review* 4 (1980): 1-14
- . "Going Private: The Implications of Privatisation for Women's Work." *Feminist Review* 21 (1985): 5-23
- Crain, Marion. "Feminising Unions: Challenging the Gendered Structure of Wage Labor." *Michigan Law Review* 89 (1991): 1155-1221

- Crompton Rosemary. "The Feminisation of the Clerical Labour Force since the Second World War." In *White Blouse Revolution: Female Officer Workers since 1870*, edited by Gregory Anderson, 122-143. Manchester: Manchester University Press, 1988
- & Gareth Jones. *White Collar Proletariat: Deskilling and Gender in Clerical Work*. London: Macmillan, 1984
- & Michael Mann (eds). *Gender and Stratification*. Cambridge: Policy Press, 1986
- & Kay Sanderson. *Gendered Jobs and Social Change*. London: Unwin Hyman, 1990
- Curtin, Jennifer. "Women, Trade Unions and Equal Pay." Paper to TUEA/Tertiary Research Conference, Wellington, June 1991
- Dalziel, Paul. "The Economic Summit: What People Were Thinking." In *The Making of Rogernomics*, edited by Brian Easton, 53-67. Auckland: Auckland University Press, 1989
- . "Taxing the Poor: Key Economic Assumptions behind the April 1991 Benefit Cuts: What are the Alternatives?" Canterbury: NZ Council of Christian Social Services/Economics Dept, Lincoln University, 1993
- Dann, Christine. *Up From Under: Women and Liberation in NZ: 1970-1985*. Wellington: Allen & Unwin, 1985
- Danzon, Patricia & Susan Begg. *Options for Health Care in NZ: Report to the NZ Business Roundtable*. Wellington: NZBRT, 1991
- Deane, Roderick S. "Reforming the Public Sector." In *Rogernomics: Reshaping NZ's Economy*, edited by Simon Walker, 116-135. Wellington: NZ Centre for Independent Studies/CP Books, 1989
- Deeks, John. "New Tracks, Old Maps: Continuity and Change in NZ Labour Relations 1984-1990." *NZ Journal of Industrial Relations* 15(2) (1990): 99-116
- & Peter Boxall. *Labour Relations in NZ*. Auckland: Longman Paul, 1989
- & Nick Perry. *Controlling Interests: Business, the State and Society in NZ*. Auckland: Auckland University Press, 1992
- Delphy, Christine. *Close to Home: A Materialist Analysis of Women's Oppression*. London: Hutchinson, 1984
- Dept of Health. *Nursing Workforce Planning: The Report of the Nurse Manpower Planning Committee*. Wellington, 1985
- Dept of Labour. *Annual Reports*, 1983, 1984, 1985, 1986
- . *Facts about Women in the Workforce*. August 1988
- Dept of Statistics. *Census of Population & Dwellings*. Series C, Report 8, 1986
- . *NZ Official Yearbook*. Wellington: 1988-89
- . *Household Labour Force Survey*. Quarterly issues. Wellington: 1989, 1990, 1991, 1992
- . *Labour Market Statistics*. Wellington: 1990 and 1991a
- . *Key Statistics*. Wellington: August 1991b
- . *Business Activity Statistics*. Wellington: 1991c
- Dickens, Linda. "Women - A Rediscovered Resource?" *Industrial Relations Journal*, 20(3) (1989): 167-175
- Dixon, Sylvia. "Union Policies and the Structure of Parttime Employment: The Case of Registered Nursing." *NZ Journal of Industrial Relations* 12 (1987): 61-70
- Doering, P.B. & M.J. Priore. *Internal Labour Markets & Manpower Analysis*. Lexington Mass.: Lexington Books, 1971
- Donley, Joan. *Save the Midwife*. Auckland: New Women's Press, 1986
- Douglas, Ken. "The Relationship between the NZCTU and the Labour Party", address to NZCTU Conference, 1988. Wellington: NZCTU, 1988
- . "Organising Workers: The Effects of the Act on the Council of Trade Unions and its Membership." In *Employment Contracts: NZ Experiences*, edited by Raymond Harbridge, 197-209. Wellington: Victoria University Press, 1993.
- Du Plessis, Rosemary. "Stating the Contradictions: The Case of Women's Employment." In *Feminist Voices: Women's Studies Texts for Aotearoa/NZ*, edited by Rosemary Du Plessis et al., 209-223. Auckland: Oxford University Press, 1992
- . "Unfinished Business: Economic Independence for Women." Winter Lecture, University of Auckland, July 1993a
- . "Women, Politics and the State." In *State and Economy in NZ*, edited by Brian Roper & Chris Rudd, 210-225. Auckland: Oxford University Press, 1993b

- & Nabila Jaber. "Pay Equity, the Free Market and State Intervention." *NZ Journal of Industrial Relations* 15 (1990): 251-262
- Du Plessis Novitz, Rosemary. "Snakes & Ladders: Feminism and the State." *Race Gender Class* 11/12 (1991): 10-15
- Durham, Gillian, Clare Salmond, Julie Eberly. *Women and Men in Medicine: The Career Experiences*. Wellington: Dept of Health, 1989
- Easton, Brian. "The Labour Market and Economic Liberalisation." In *Economic Liberalisation in NZ*, edited by A. Bollard & A. Buckle, 181-193. Auckland: Allen & Unwin, 1987
- . "From Reaganomics to Rogernomics." In *The Influence of US Economics on NZ*, edited by Alan Bollard, 60-95. Wellington: NZ Institute Economic Research, 1988
- (ed). *The Making of Rogernomics*. Auckland: Auckland University Press, 1989
- . "Recent Changes in the Labour Market: Segmentation and Deterioration." Paper to Policy for Our Times Conference, Wellington, July 1990a
- . "The Magical Mystery Tour: Where is the Economy Going?" Paper to NZ Institute of Financial Planners, February 1990b
- . Lecture to Workers Education Assn, Christchurch, 1990c
- Eisenstein, Hester. "Feminist Judo: Throwing with the Weight of the State." *Australian Left Review*, 96 (1986): 20-22
- Eisenstein, Zillah R. *Capitalist Patriarchy and the Case for Socialist Feminism*. New York: Monthly Review Press, 1979
- . *The Radical Future of Liberal Feminism*. New York: Longman, 1981
- Elliott, Ruth. "How Far Have We Come? Women's Organisation in the Unions in the United Kingdom." *Feminist Review* 16 (1984): 64-73
- Ellis, Valerie. "Current Trade Union Attempts to Remove Occupational Segregation in the Employment of Women." In *Gender Segregation at Work*, edited by Sylvia Walby, 135-156. Milton Keynes: Open University Press, 1988
- Employment Tribunal. "Decision of the Tribunal in the matter of a Personal Grievance between B and NZ Amalgamated Engineering Union Inc." Auckland, 26 May 1992
- Evans, Ripeka. "The Negation of Powerlessness: Maori Feminism, A Perspective." Winter Lecture Series, University of Auckland, 10 August 1993
- Farganis, Sondra. "Social Theory and Feminist Theory: The Need for Dialogue." *Sociological Inquiry* 56(1) (1986): 50-68
- Farr, Jan. "Report on the Federation of Labour Conference." Papers of the Working Women's Council, Auckland University Library, 1980
- Federation of Labour Women's Advisory Committee. "Are Women Workers Taking Over? or, Why a Women's Advisory Committee?" Papers of the Federation of Labour, Turnbull Library, Wellington, 1981
- Federation of Labour collected papers. Turnbull Library, Wellington, 1938
- Federation of Labour/Combined State Unions, Ten Point Plan, Tripartite Wage Conference, 1986
- Fenton, John. "The Demise of the Workers Union." *Labour Notes* 5 (1992): 6-7
- Flanders, A. "What are Trade Unions For?" In *Trade Unions: Selected Readings*, edited by J. McCarthy, 38-47. London: Penguin, 1972
- Foulkes, Angela. "Women in Unions." Paper to Women at Work seminar, Industrial Relations Centre, Victoria University of Wellington, February 1993a
- . "Women in the Economy." Auckland Institute and Museum Suffrage Lecture Series, October 1993b
- Franks, Peter. "Nothing to Lose but our Gains: 50th Anniversary of the Founding of the Wellington, Taranaki, Marlborough & Nelson Clerical Workers Unions." Paper to 5th Annual Conference of the NZ Clerical Workers Assn, Trentham, 1986
- . "Compulsory Arbitration: The Next 40 Years." *NZ Journal of Industrial Relations* 12 (1987): 199-201
- . "Organising the Unorganisable: The Formation of the Clerical Unions and the Labour Press." Paper to the Labour History Conference, Wellington, October 1990
- Franzway, Suzanne, Dianne Court & R.W. Connell. *Staking a Claim: Feminism, Bureaucracy and the State*. Cambridge: Polity Press, 1989
- Game, Ann & Rosemary Pringle. *Gender at Work*. Sydney: Allen & Unwin, 1983
- Garmarnikov, Eva. "Sexual Division of Labour: The Case of Nursing." In *Feminism and Materialism*, edited by A. Kuhn & A. Wolpe, 96-123. London: Routledge & Kegan Paul, 1978

- Garnsey, Elizabeth. "Women's Work and Theories of Class Stratification." *Sociology* 12 (1978): 223-241
- Geare, Alan. "Final Offer Arbitration and the State Sector Act." *NZ Journal of Industrial Relations* 13 (1988): 87-96
- . "Managerial Views on Compulsory Unionism in NZ." *NZ Journal of Industrial Relations* 14 (1989): 231-240
- , Joyce J. Herd & John M. Howells. *Women in Trade Unions: A Case Study of Participation in NZ*. Industrial Relations Research Monograph No.6. Wellington: Victoria University, 1979
- Gibbs, Alan. *Unshackling the Hospitals: Report of the Hospital and Related Services Taskforce*. Wellington: Government Printer, 1988
- Goldfinch, Shaun & Brian Roper. "Treasury's Role in State Policy Formulation in the Post-War Era." In *State and Economy in NZ*, edited by Brian Roper & Chris Rudd, 50-73. Auckland: Oxford University Press, 1993
- Goldthorpe, John. "Women and Class Analysis: In Defence of the Conventional View." *Sociology* 17(4) (1983): 465-488
- . "Women and Class Analysis: A Reply to the Replies." *Sociology* 18(2) (1984): 491-499
- Glucksmann, Miriam. *Women Assemble: Women Workers and the New Industries in Interwar Britain*. London: Routledge, 1990
- Green, D.E., A.J.W. Taylor & F.H. Walkey. "Factors in Nursing Stress." *Praxis* 5(1) (1989): 11-17
- Gregory, Andy. "Earnings Differences Unavoidable." *The Employer* 2 (1989):
- Griffin, Gerard & John Benson. "Women and Trade Unions: An Attitudinal Survey." *NZ Journal of Industrial Relations* 9 (1984): 23-32
- . "Barriers to Female Membership Participation in Trade Union Activities." *Labour & Industry* 2(1) (1989): 85-96
- Gutek, Barbara A. *Sex and the Workplace*. San Francisco: Jossey Bass, 1985
- Habgood, Ruth. "On His Terms: Gender and the Politics of Domestic Life." In *Feminist Voices: Women's Studies Texts for Aotearoa/NZ*, edited by Rosemary Du Plessis et al., 163-179. Auckland: Oxford University Press, 1992
- Hammond, Suzanne & Raymond Harbridge. "The Impact of the Employment Contracts Act on Women at Work." *NZ Journal of Industrial Relations* 18(1) (1993): 15-30
- Harbridge, Raymond. "Whatever Happened to Second Tier Settlements? A Survey of Settlements under the Labour Relations Act 1987." *NZ Journal of Industrial Relations* 13 (1988): 143-156
- . "Flexibility in Collective Wage Bargaining in NZ: Facts & Folklore." *NZ Journal of Industrial Relations* 15(3) (1990): 241-250
- . "Collective Bargaining Coverage in NZ: The Impact of the Employment Contracts Bill." *Australian Bulletin of Labour* (1991): 310-324
- (ed). *Employment Contracts: NZ Experiences*. Wellington: Victoria University Press, 1993
- & Kevin Hince. "Decollectivisation of Industrial Relations in NZ: Issues of Union Membership and Structure." Working Paper 1/92, Industrial Relations Centre. Wellington: Victoria University, June 1992
- & James Moulder. "Collective Bargaining and the Employment Contracts Act 1991: One Year On." Paper to the One Year On seminar, Victoria University of Wellington, May 1992
- & Susan Webber. "Trends in Official Union Membership." *NZ Journal of Industrial Relations* 12 (1987): 81-87
- Harding, Sandra. "Is there a Feminist Method?", 1-14, and "Epistemological Issues", 181-190. In *Feminism and Methodology: Social Science Issues*, edited by Sandra Harding. Bloomington and Milton Keynes: Indiana University Press & Open University Press, 1987
- Harris, Christopher. "The State and the Market." In *Beyond Thatcherism: Social Policy, Politics and Society*, edited by Phillip Brown & Richard Sparks, 1-16. Milton Keynes: Open University Press, 1989
- Harris, Peter. "Reshaping the Economic Agenda." TUEA/Tertiary Research Conference, Wellington, 7-9 June 1991
- . "Arbitration: The CTU Position." *Labour Notes* 8 (1992): 8-9
- . "Industry Policy: A Key to Jobs and Job Security." Paper to the Biennial Conference of the NZCTU, Wellington, 1993
- Hartmann, Heidi. "Capitalism, Patriarchy and Job Segregation by Sex." *Signs* (1976): 137-169



- . "The Unhappy Marriage of Marxism and Feminism: Towards a More Progressive Union". In *Women and Revolution: The Unhappy Marriage of Marxism and Feminism*, edited by Lydia Sargent, 1-42. London: Pluto, 1981
- Hartsock, Nancy C.M. "The Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism." In *Discovering Reality: Feminist Perspectives on Epistemology, Metaphysics, Methodology and the Philosophy of Science*, edited by Sandra Harding & Merrill B. Hintikka, 283-310. Boston: Reidel, 1983
- Harvey, Owen. "The Unions and the Government: The Rise and Fall of the Compact." In *Controlling Interests: Business, the State and Society in NZ*, edited by John Deeks & Nick Perry, 59-77. Auckland: Auckland University Press, 1992
- Hay, Ian. *The Caring Commodity: The Provision of Health Care in NZ*. Auckland: Oxford University Press, 1989
- Heath, Anthony & Nicky Britten. "Women's Jobs Do Make A Difference: A Reply to Goldthorpe", *Sociology* 18(4) (1984): 475-490
- Heery, Edmund & John Kelly. "A Cracking Job for a Woman" - A Profile of Women Trade Union Officers." *Industrial Relations Journal* (1989): 192-202
- Henshall, Brian & Nicholas Marsh. *Interactive Tourism: The New Tourists and New Zealanders*. Auckland: University of Auckland, 1984
- Herbert, Patricia. "Coups in Employers Group Brings Shift Rightwards." *The Press* 30 March 1990a
- . "Agreement for Growth a Gamble for Ken Douglas." *The Press* 24 September 1990b
- . "CTU's Support for Labour An Illusion." *NZ Herald* 25 September 1993
- Hercus, Ann. "Women and Men." In *NZ: A Nation Divided*, edited by Graham Bush, 72-77. Winter Lecture Series. Auckland: University of Auckland Press, 1982
- Hicks, Colleen. "Does the Sexual Harassment Procedure Work?" *NZ Journal of Industrial Relations* 13 (1988): 291-293
- Hill, Linda. "Women's Work, Women's Pay and the Clerical Workers Union." Unpublished paper, 1989
- . "The Great Leap Backwards: Employment Inequity." *Race Gender Class* 11/13 (1991a) 16-23
- . "Labour Market Segregation and the Case for Occupational Unions - Part I: Organising Labour Market Segments; Part II: The Case Against Industry Unionism." Unpublished paper, 1991b
- . "The Budget Blues: or How Economics Makes Women Disappear." *Broadsheet* (Spring 1992): 39-43
- . "Labour Market Deregulation and the State Employer." Paper to the Industrial Relations Conference, Auckland, January 1993a
- . "100 Years of the Vote, 80% of the Pay: The Politics of Pay Equity." *Women's Studies Journal* (1993b): 87-113
- & Sally Harvey. "NZ Women and the International Division of Labour." Paper to the Women's Studies Assn Conference, Rotorua, 1990
- & Rosemary Du Plessis. "Tracing the Similarities, Identifying the Differences: Women and the Employment Contracts Act." *NZ Journal of Industrial Relations* 18(1) (1993): 31-43
- Hill, Roberta. "The Men Make It Seem Like A Secret Society... The Struggle for Control over "Direct Inputting" of Classified Advertising in the NZ Newspaper Industry." *NZ Journal of Industrial Relations* 14 (1989): 267-278
- Hince, Kevin. "From William Pember Reeves to William Francis Birch: From Conciliation to Contracts." In *Employment Contracts: NZ Experiences*, edited by Raymond Harbridge, 7-12. Wellington: Victoria University Press, 1993
- Holt, James. *Compulsory Arbitration in NZ: The First Forty Years*. Auckland: Auckland University Press, 1986
- Hotel & Hospital Workers Federation. *Shift*. December 1990
- Horsfield, Anne. *Women in the Economy*. Wellington: Ministry of Women's Affairs, 1988
- & Miriama Evans. *Maori Women in the Economy*. Wellington: Ministry of Women's Affairs, 1988
- Hughes, John. "Personal Grievances." In *Employment Contracts: NZ Experiences*, edited by Raymond Harbridge, 89-133. Wellington: Victoria University Press, 1993
- Hyman, Prue. "Equal Pay for Work of Equal Value." Paper to the Women's Studies Assn Conference, New Plymouth, August 1986
- . "The Fight for Equal Pay for Work of Equal Value (Comparable Worth) in NZ: Lessons from Past Campaigns in NZ and Elsewhere." Paper to 7th Berkshire conference on the History of women, Massachusetts, June 1987

- . "Equal Pay for Work of Equal Value - Job Evaluation Issues." *NZ Journal of Industrial Relations* 13, (1988): 237-255
- . "The Use of Economic Orthodoxy to Justify Inequality: A Feminist Critique." In *Feminist Voices: Women's Studies Texts for Aotearoa/NZ*, edited by Rosemary Du Plessis et al., 252-265. Auckland: Oxford University Press, 1992
- . "Equal Pay for Women after the Employment Contracts Act: Legislation and Practice - the Emperor with No Clothes?" *NZ Journal of Industrial Relations* 18(1) (1993): 44-57
- International Confederation of Free Trade Unions. *Equality: The Continuing Challenge - Strategies for Success*. Brussels: ICFTU, 1991
- International Labour Organisation. *Women at Work* 2, 1988
- Ironmonger, D & E. Sonius. "Household Productive Activities." In *Households Work*, edited by D. E. Ironmonger, 18-35. Sydney: Allen & Unwin, 1989
- Jackson, Sid. "Te Ropu Kaimahi Maori o Aotearoa." *Race Gender Class* 13 (1992): 16-19
- Jagger, Alison. *Feminist Politics & Human Nature*. Sussex: Rowman & Allenheld/Harvester, 1983
- Jensen, Jane. "The Talents of Women, the Skills of Men: Flexible Specialisation and Women." In *The Transformation of Work*, edited by Stephen Wood, 142-155. Cambridge: Polity Press, 1989
- Jesson, Bruce. *Behind the Mirror Glass*. Auckland: Penguin, 1987
- . *Fragments of Labour*. Auckland: Penguin, 1989
- Jessop, Bob. "Corporatism, Parliamentarism and Social Democracy." In *Trends Toward Corporatist Intermediation*, edited by Philippe C. Schmitter & Gerhard Lehmbruch, 185-211. London, Sage, 1979
- Kaluzynska, Eva. "Wiping the Floor with Theory - A Survey of Writings on Housework." *Feminist Review*, 6 (1980): 27-53
- Kellow, Aynsley J. "Politicians versus Bureaucrats: Who Makes Public Policy." In *New Zealand Politics in Perspective*, edited by Hyam Gold, 104-111. Auckland: Longman Paul, 1985
- Kelsey, Jane. *A Question of Honour? Labour and the Treaty: 1984-1989*. Wellington: Allen & Unwin, 1990
- . *Rolling Back the State: Privatisation of Power in Aotearoa/NZ*. Wellington: Bridget Williams Books, 1993
- Kessler-Harris, Alice. "Problems of Coalition-Building: Women and Trade Unions in the 1920s." In *Women, Work and Protest: A Century of US Women's Labour Movement*, edited by Ruth Milkman, 110-137. London: Routledge & Kegan Paul, 1985
- Kieley, Peter & Andrew Caisley. "The Legal Status of Bargaining under the Employment Contracts Act 1991: A Review of Recent Cases." In *Employment Contracts: NZ Experiences*, edited by Raymond Harbridge, 53-69. Wellington: Victoria University Press, 1993
- Kinross, Nancy J. "Politics and Power." In *Objects and Outcomes*, 94-117. Wellington: NZNA, 1984
- Knowles, Anne. "Employment Contracts Act Survey, April 1992." Address to NZ Employers Federation Convention, 13 May 1992
- . "Women and the Employment Contracts Act: A Perspective." Paper to Women at Work Seminar, Industrial Relations Centre, Wellington, February 1993
- Lange, David. "Tomorrows Schools: The Reform of Education Administration in NZ." Wellington: Ministry of Education, 1988
- Lockwood, David. *The Blackcoated Worker*. London: Allen & Unwin, 1958
- Larner, Wendy. "Labour Migration and Female Labour: Samoan Women in NZ." *Australia & NZ Journal of Sociology* 27(1) (1990): 19-33
- Lehmbruch, Gerhard. "Neo-Corporatism in Comparative Perspective." In *Patterns of Corporatist Policy-Making*, edited by G. Lehmbruch & P. Schmitter, 1-28. London: Sage, 1982
- & Philippe C. Schmitter. *Patterns of Corporatist Policy-Making*. London: Sage, 1982
- Leidner, Robin. "Serving Hamburgers and Selling Insurance: Gender, Work and Identity in Interactive Service Jobs." *Gender & Society* 5(2) (1991): 154-177
- Littler, Craig R. "The Labour Process Debate: A Theoretical Review 1974-1988." In *The Transformation of Work? Skill, Flexibility and the Labour Process*, edited by Stephen Woods, 46-93. Cambridge: Polity, 1991
- McAndrew, Ian. "The Structure of Bargaining under the Employment Contracts Act." *NZ Journal of Industrial Relations* 17(3) (1992): 259-282
- & Paul Hursthouse. "Southern Employers on Enterprise Bargaining." *NZ Journal of Industrial Relations* 15(2) (1990): 117-128

- & ----. "Reforming Labour Relations: What Southern Employers Say." *NZ Journal of Industrial Relations* 16(1) (1991): 1-12
- McCarthy, Charles. "Voluntary and Involuntary Unionism." In *Voluntary Unionism*, edited by Peter Brosnan, 5-13. Wellington: Industrial Relations Centre, Victoria University, 1983
- Macdonald, Keith & George Ritzer. "The Sociology of the Professions: Dead or Alive." *Sociology of Work and Occupations* 15(3) (1988): 251-272
- Macfie, Rebecca. "Employers' Use of Lockouts Under the Employment Contracts Act 1991: A New Balance of Power?" *NZ Journal of Industrial Relations* 17(3) (1992): 319-31
- Mackey, Lesley. *Nursing a Problem*. Milton Keynes: Open University Press, 1989
- Mackinnon, Catherine. *Sexual Harassment of Working Women: A Case Study of Sexual Discrimination*. New Haven: Yale University Press, 1979
- Manatu Maori. *Maori and Work: The Position of Maori in the NZ Labour Market*. Wellington, 1991
- Mark-Lawson, Jane. "Occupational Segregation and Women's Politics." In *Gender Segregation at Work*, edited by Sylvia Walby, 157-173. Milton Keynes: Open University Press, 1988
- Mies, Maria. *Patriarchy and Accumulation on a World Scale: Women in the International Division of Labour*. London: Zed Books, 1986
- Milkman, Ruth. "Women Workers, Feminism and the Labor Movement since the 1960s." In *Women, Work and Protest: A Century of US Women's Labour Movement*, edited by Ruth Milkman, 300-319. London, Routledge & Kegan Paul, 1985
- . *Gender at Work: The Dynamics of Job Segregation by Sex during World War II*. Urbana and Chicago: University of Illinois Press, 1987
- Ministry of Women's Affairs. "Labour Market Segregation: A Discussion Paper." Unpublished paper, 1991a
- . "Juggling Time." *Panui* 20, 1991b
- . "1991 Census of Population Occupational Statistics by Sex." Unpublished tables, 1993
- Moore, Mike. "The Growth Agreement." Wellington: NZ Government, 1990
- Moore, Thomas S. "Are Women Workers Hard to Organise?" *Journal of Work & Occupations* 13(1) (1986): 97-111
- Morgall, Janine. "New Office Technology." *Feminist Review* 9 (1981): 87-101.
- & Gitte Vedel. "Office Automation: The Case of Gender and Power." *Economic & Industrial Democracy* 6 (1986): 93-112
- Moynihn, Carolyn. *On Your Side: History of the Northern Clerical Administrative and Related Workers Union, 1936-1986*. Auckland: Northern Clerical Union, 1986
- Mulgan, Margaret. "Women at Work: Ensuring Equity in the Employment Relationship: The Case for a Minimum Code." *NZ Journal of Industrial Relations* 18(1) (1993): 9-14
- Murray, Georgina. "Sharing in the 'Shingles': Women, Class and Ethnicity: The Generation and Distribution of Rewards in the NZ Legal Profession." MA Thesis Sociology, University of Auckland, 1984
- . "NZ Corporate Capitalism." PhD Thesis, University of Auckland", 1989
- Myers, Doug. "A Tiger on Your Tail?" Address to H.R. Nicholls Society, Melbourne, 3 April 1992
- National Advisory Council on the Employment of Women. *Beyond the Barriers: The State, the Economy and Employment, 1984-90*. Wellington: NACEW/Dept of Labour, 1990
- National Interim Provider Board. *Providing Better Health Care for New Zealanders: Report to the Government and the NZ Public*. Wellington, May 1992
- National Action Group. *Bicultural Development in Nursing: Te Wahakapakari Kakanorua i roto Mahi Tapuhi: Guidelines*. Wellington, 1991
- Neilson, David. "New Zealand Trade Unionism in the New Times." *Sites* Autumn 1990: 80-98
- NZ Business Roundtable. *Freedom in Employment: Why NZ Needs a Flexible, Decentralised Labour Market*. Wellington, 1987
- . *State Owned Enterprises: Issues of Ownership and Regulation*. Wellington, 1988a
- . *Labour Markets and Employment: Statements on Labour Relations*. Wellington, 1988b
- . *Review of the Operation of the Labour Relations Act in the 1989-89 Wage Round*. Wellington, 1989
- . *The Pursuit of Fairness: A Critique of the Employment Equity Bill*. Wellington, 1990
- . *The Public Benefit of Private Ownership: The Case for Privatisation*. Wellington, 1992
- NZ Business Roundtable/NZ Employers Federation. *A Study of the Labour/Employment Court*. Wellington, 1992

- NZ Cleaners & Caretakers Union. *Advance* (2)3, 1988
- . *NZ Cleaners, Caretakers & Lift Attendants Award*, 1990
  - . *NZ Education Service Caretakers & Cleaners Award*, 1990
  - . *NZ School Contract Cleaners Award*, 1990
  - . *NZ University Custodians, Caretakers and Cleaners Award*, 1990
- NZ Clerical Workers Association. "Submissions to the Arbitration Court on Equal Pay and the Equal Pay Act 1972." February 1986
- . "Submission to the Royal Commission on Social Policy." November 1987
  - . "Submission on *Towards Employment Equity*." November 1988
  - . *NZ Clerical Workers Award*, 1988, 1990
  - . *The Australian Accord and the NZ Compact*. Wellington, 1989
  - . *Paper Clip*. October 1990
- NZ Clerical Workers Union. "School Secretaries In Today's Schools: A Report to the Principals Taskforce." July 1990a
- . "Employer Views: Size of Business." 1990b
  - . "Report on Employers' Views on Industrial Relations Reform." January 1991a
  - . "Submission to the Labour Select Committee on the Employment Contracts Bill." February 1991b
- NZ Council of Trade Unions. "Jobs, Equality, Stability." Wellington, July 1988a
- . "Towards a Compact: Preliminary Exposure Draft." Wellington, October 1988b
  - . *The Need for Change: Challenges for the Trade Union Movement of Today*. Wellington, November 1988c
  - . *Strategies for Change: Challenges for the Trade Union Movement of Today*. Wellington, May 1989a
  - . *The Way Ahead: Choices for Unions*. Wellington, 1989b
  - . "The Compact and the Direction of Economic Policy." Wellington, March 1990a
  - . "National Party Industrial Relations Policy." Memo to affiliates, Wellington, March 1990b
  - . "Choice, Choice, Choice: Labour or National." Wellington, October 1990c
  - . "Charter of Workers and Union Rights." Wellington, February 1991a
  - . "Labour Relations in the Nineties: How Did We Get Here and Where Are We Going?" Wellington, December 1991b
  - . *NZCTU Directory*. Wellington, 1990 and 1992
  - . "Industrial Relations Policy." Wellington, 1993
- NZ Employers Federation. *Pay Equity: The Comparable Worth Proposals*. Wellington 1989a
- . *Pay Equity: The Effects on Relativities*. Wellington, 1989b
  - . *Pay Equity: The Overseas Situation*. Wellington, 1989c
  - . *The Benefits of Bargaining Reform: Workplace Cooperation, Increased Productivity, Business Growth*. Wellington 1990a
  - . *An Employers' Manifesto*. Wellington, 1990b
  - . *The Way Ahead*. Wellington, 1991
- NZ Government/NZCTU. *The Compact: Statement by the Government and the NZCTU*. Wellington, December 1989
- NZ Labour Party. "Labour's Plan for Economic Growth and Jobs." March 1993a
- . "Looking Forward: Labour's Plan for Women." September 1993b
- NZ, Northern & Southland Clerical Workers Unions. "Submission on the Labour Relations Amendment Bill." 1990
- NZ Nurses Association. *Kai Tiaki: NZ Nursing Journal*. Dec/Jan 1989; March 1990; June 1990; July 1990; Sept 1990 Oct. 1990; Nov. 1990; Nov. 1991; July 1992
- . "The Regulation of Nursing in NZ." Discussion paper, April 1988
  - . "The Gibbs Taskforce report: What's Its True Value?", *NZ Nursing Journal*, June 1988
  - . *Annual Report*. Wellington, March 1990
  - . *NZ Area Health Boards Nurses Award*, 1990/91
- NZ Nurses Union. *NZ Plunket Nurses Agreement*, 1989
- . *News*. July 1988; June 1990; August 1990
  - . *NZ Practice Nurses Award*, 1990
  - . *NZ Private Hospitals Award*, 1990
  - . *NZ Occupational Nurses Award*, 1990
  - . *Nurses Bargaining News* 4, 31 March 1992

- NZ Planning Council. *Who Gets What?* Wellington, 1991
- NZ Public Service Association. "Women in Trade Unions." Research Paper No.4, September 1976
- . "The Role of the State." Discussion Paper No.23, undated ca.1988
- . "Privatisation and the Rise of Monetarism in NZ." March 1989a
- . "SOE Privatisation: The Next Logical Step?" March 1989b
- . "Deregulation of the Labour Market: A PSA Response." February 1991
- NZ Taskforce to Review Education Administration. "Administering for Excellence: Effective Administration in Education: Report." Wellington, 1988 (the "Picot Report")
- NZ Tourism Board. *Tourism in NZ: Strategies for Growth*. Wellington, 1990
- NZ Treasury. *Economic Management*. Wellington: Government Printer, 1984
- . *Government Management: Brief to the Incoming Government*. Wellington: Government Printer, 1987
- . *Briefing to the Incoming Government*. Wellington: GP, October 1990
- Nolan, Melanie. "Making Clerks & Reshaping the White-Collar Workforce in the Twentieth Century." *Labour History* 16 (1992): 65-82
- Northern Clerical & Legal Employees Administrative & Related Workers Union. "Submissions to the Labour Select Committee on the Employment Contracts Bill." February 1991
- Novitz, Rosemary. "Feminism." In *NZ Sociological Perspectives*, edited by Paul Spoonley, David Pearson & Ian Shirley, 293-325. Palmerston North: Dunmore Press, 1982
- . "Bridging the Gap: Paid and Unpaid Work." In *Public & Private Worlds: Women in Contemporary NZ*, edited by Shelach Cox, 23-52. Wellington, Allen & Unwin, 1987
- Oakley, Ann. *Sex, Gender, Society*. London: Temple Smith, 1972
- . *Housewife*. Harmondsworth: Penguin, 1984a
- . *The Captured Womb: A History of the Medical Care of Pregnant Women*. Oxford: Blackwell, 1984b
- Offe, Claus. *Contradictions of the Welfare State*. London: Hutchinson, 1984
- & H. Wessenthal. "Two Logics of Collective Action" in *Disorganised Capitalism: Contemporary Transformations of Work and Politics*, by K. Offe, 170-220. Cambridge, Mass.: MIT Press, 1985
- Oliver, W. Hugh. "The Labour Caucus and Economic Policy Formation, 1981-84." In *The Making of Rogernomics*, edited by Brian Easton, 11-52. Auckland: Auckland University Press, 1989
- Olssen, Erik. "Towards a New Society." In *The Oxford History of New Zealand*, edited by W. H. Oliver, 250-278. Wellington: Clarendon/Oxford University, 1981
- . "The NZ Labour Movement, 1920-40." In *Common Cause: Essays in Australian & NZ Labour History*, edited by Erik Fry, 16-26. Wellington: Allen & Unwin, 1986
- . *The Red Feds: Revolutionary Industrial Unionism & the NZ Federation of Labour, 1908-14*. Auckland: Oxford University Press, 1988
- & Len Richardson. "The NZ Labour Movement, 1880-1920." In *Common Cause: Essays in Australian & New Zealand Labour History*, edited by Eric Fry, 1-15. Wellington: Allen & Unwin, 1986
- Peck, Jamie A. "Market Segmentation Theory." *Labour & Industry* 2(1) (1989): 119-144
- Perry, Judith. "Professional Socialisation - A Political Process?" *Praxis* 1(2) (1986) 4-15
- Perry, Nick. "Progressive Emancipation and the Negotiation of Disenchantment: An Ethnography of NZ Office Workers." *Australia & NZ Journal of Sociology* 17(2) (1981):41-49
- Phillips, Anne. *Divided Loyalties: Dilemmas of Sex and Class*. London: Virago, 1987
- & Barbara Taylor. "Sex and Skill: Notes Towards a Feminist Economics." *Feminist Review* 6 (1980): 79-88
- Phizacklea, Annie. "Gender, Racism and Occupational Segregation." In *Gender Segregation at Work*, edited by Sylvia Walby, 43-54. Milton Keynes: Open University Press, 1988,
- Piva, Paola & Chara Ingrao. "Women's Subjectivity, Union Power and the Problem of Work." *Feminist Review* 16 (1984): 51-55
- Politz, Viv. "Abortion: A Statement of Policy of the Working Women's Alliance." Unpublished paper, 1977
- Pollert, Anna. "Dismantling Flexibility." *Capital & Class* 34 (Spring 1988): 42-75
- Pringle, Rosemary. *Secretaries Talk: Sexuality, Power and Work*. Sydney: Allen & Unwin, 1988
- & Sophie Watson. "Fathers, Brothers, Mates: The Fraternal State in Australia." In *Playing the State: Australian Feminist Interventions*, edited by Sophie Watson, 229-243. London: Verso, 1990
- & ---. "Women's Interests and the Post Structuralist State." In *Destabilising Theory: Contemporary Feminist Debates*, edited by Michelle Barrett & Anne Phillips, 53-73. Cambridge: Polity Press, 1992
- Reich, Michael, David M. Gordon & Richard C. Edwards. "A Theory of Labor Market Segmentation." In *The Economics of Women*, edited by Alice H. Amsden, 232-241. Harmondsworth: Penguin, 1980

- Reid, Robert. "De-unionising Clerical Workers." *Labour Notes* 4 (1992):4
- Regini, Marino. "Changing Relations between Labour and the State in Italy: Towards a Neo-corporatist System." In *Patterns of Corporatist Policy-Making*, edited by G. Lehnbruch & P. C. Schmitter, 109-130. London: Sage, 1982
- Richardson, Evelyn. "Valuing Household Productive Activity." Paper to Ministry of Women's Affairs Seminar on Valuing Women's Unpaid Work, Wellington, December 1989
- Ring, Jenny. "Toward a Feminist Epistemology." *American Journal of Political Science* 31(4) (1987): 753-771
- Robbie, Margaret. "Representation, Procedure and Process in Mediation and Adjudication since the Employment Contracts Act." Paper to the Industrial Relations Conference, Auckland, January 1993
- Robertson, Stephen. "Women Workers and the NZ Arbitration Court, 1894-1920." In *Women, Work and the Labour Movement in Australia and Aotearoa/NZ*, edited by Raelene Frances & Bruce Scates, 30-41. Sydney: Australian Society for the Study of Labour History, 1991
- Rodger, Stan. *Pay Fixing in the State Sector: A Review of Principles and Procedures in the Fixing of Pay and Associated Conditions in the NZ State Sector*. Wellington: Government Printer, October 1986
- Roper, Brian. "The End of the Golden Weather: NZ's Economic Crisis." In *State and Economy in NZ*, edited by Brian Roper & Chris Rudd, 1-25. Auckland: Oxford University Press, 1993a
- . "A Level Playing Field? Business Political Activism and State Policy Formation." In *State and Economy in NZ*, edited by Brian Roper & Chris Rudd, 147-171. Auckland: Oxford University Press, 1993b,
- & Chris Rudd (eds). *State and Economy in NZ*. Auckland: Oxford University Press, 1993
- Roper, Karen. "Introduction: Women and Industrial Relations: A Neglected Area of Research." *NZ Journal of Industrial Relations* 1 (1984): 1-3
- . "An Offer They Can't Refuse: The Imposition of Final Offer Arbitration in the NZ State Sector." *NZ Journal of Industrial Relations* 13 (1988) 79-86
- . "Towards a New Unionism: The Response of the NZ Public Service Association to the Fourth Labour Government, 1984-90." Paper to the Evatt Foundation Conference, University of New South Wales, September 1990
- Rosenberg, Wolf. "Class of 82." *The Listener*, 6 July 1992:9
- Ross, Liz, Tom O'Lincoln & Graham Willett. *Labour Accord: Why It's a Fraud*. Brunswick, Victoria: Socialist Action, March 1986
- Roth, H. *Trade Unions in New Zealand, Past and Present*. Wellington: Reed, 1973
- . "Chronicals." *NZ Journal of Industrial Relations* 17(1) (1992): 119-125; 17(2) (1992): 247-258; 18(2) (1993): 264-272
- Roth, Margot. "Union Organiser: A Passion for Justice." *Women's Studies Journal* 2(2) (1986): 41-55
- Rubery, Jill. *Women in Recession*. London: Routledge & Kegan Paul, 1988
- Ruggie, Mary. *The State and Working Women: A Comparative Study of Britain and Sweden*. Princeton University Press, 1984
- Rustin, Michael. "The Politics of Post-Fordism: or, The Trouble with 'New Times.'" *New Left Review* 1976 (May/June 1989): 54-77
- Ryan, Rose & Pat Walsh. "Common Law versus Labour Law: The NZ Debate." Paper to Industrial Relations Conference, Auckland, January 1993
- Salmon, E. Beatrice. "The International Idea." In *Objects & Outcomes*, 118-138. Wellington: NZ Nurses Assn, 1984
- Salvage, Jane. *The Politics of Nursing*. London: Heinemann, 1985
- Sarr, Patricia. *Out of the Chorus Line: The Progress of Women in NZ Unions*. Wellington: NZCTU, May 1992
- . *Shifting Sands: Women in NZ Unions, 1993*. Wellington: NZCTU, 1993
- Scott, Hilda. *Working Your Way to the Bottom: The Feminisation of Poverty*. Boston: Pandora, 1986
- Scott, Dick. *151 Days: Official History of the Great Waterfront Lockout and Supporting Strikes, February 15-July 15, 1951*. Christchurch: Labour Reprint Society, 1952, 1977
- Service Workers Federation of Aotearoa. "The Federation's Operating Environment." Wellington, 1990
- . *NZ Hospital & Area Health Board Domestic Workers Award*, 1990
- Service Workers Union of Aotearoa. "Rules." As at 13 May 1991
- Shadbolt, Yvonne. "Curriculum Innovation." MA Thesis, University of Auckland, 1984
- Shipley, Susan M. *Women's Employment and Unemployment: A Research Report*. Palmerston North: The Society for Research on Women in NZ Inc., 1982

- Simpson, Tony. "The Holt Narrative and the Industrial Relations Agenda." *NZ Journal of Industrial Relations* 12 (1987): 143-150
- . *The Slump: The Thirties Depression, Its Origins and Aftermath*. Auckland: Penguin, 1990
- . "The Employment Contracts Act in the State Sector." In *Employment Contracts: NZ Experiences*, edited by Raymond Harbridge, 133-147. Wellington: Victoria University Press, 1993
- Skinner, Sir Tom. *Man to Man*. Auckland: Whitcoulls, 1980; see also Obituary, *NZ Herald* 13 November 1991
- Smith, D. F. "Occupational Segregation Amongst White Collar Workers in NZ." *NZ Economic Papers* 17 (1982): 37-49
- Smith, Dorothy. "A Sociology for Women." In *The Prism of Sex: Essays in the Sociology of Knowledge*, edited by Julia Sherman & E. Beck, 135-187. Madison: University of Wisconsin Press, 1979
- . *The Everyday World As Problematic: A Feminist Sociology*. Boston: Northeastern University Press, 1987
- . "Writing Women's Experience into Social Science." *Feminism & Psychology* 1(1) (1991): 155-169
- Smith, Suzanne. "Fish-hooks in Comparable Worth Debate." *Auckland Star* 9 October 1989:7
- Society for Research on Women NZ Inc. *Jobs, Children & Chores*. Christchurch, 1984
- Stanko, Elizabeth A. "Keeping Women In and Out of Line: Sexual Harassment and Occupational Segregation." In *Gender Segregation at Work*, edited by Sylvia Walby, 91-99. Milton Keynes: Open University Press, 1988
- Stanworth, Michelle. "Women and Class Analysis: A Reply to John Goldthorpe." *Sociology* 18(2) (1984): 158-167
- Statistics NZ. *Census 1991: Provisional National Summary*. Wellington, 1991a
- . *1991 Census: NZ Maori Population and Dwellings*. Wellington, 1991b
- . *1991 Census: Pacific Island Population and Dwellings*. Wellington, 1991c
- . *Labour Market Statistics 1992*. Wellington, 1992
- . "Hot Off the Press - Quarterly Employment Survey." February 1993a
- . "Hot Off the Press - Quarterly Employment Survey." February and May 1993", June 1993b
- . *Official Yearbook 1993*. Wellington 1993c
- Steel, David. "Proposed Structure for a New National Organisation for Nurses." Unpublished report to NZNA, February 1919
- Steinberg, Ronnie J. "Social Construction of Skill: Gender, Power and Comparable Worth." *Journal of Work & Occupations* 17(4) (1990): 449-483
- Stone, R.C.J. "The Unions and the Arbitration System, 1890-1937." In *Studies of a Small Democracy*, edited by Robert Chapman & Keith Sinclair, 210-220. Auckland: Blackwood & Janet Paul/University of Auckland, 1963
- Strachan, Glenda. "Sacred Office, Trade or Profession? The Dilemma of Nurses' Involvement in Industrial Activities in Queensland, 1990-1950." In *Women, Work and the Labour Movement in Australia and Aotearoa/NZ*, edited by Raelene Frances & Bruce Scates, 147-163. Sydney: Australian Society for the Study of Labour History, 1991
- Street, Maryan. *The Scarlet Runners: Women and Industrial Action*. Wellington: Working Life Communications, 1993
- Strinati, Dominic. "A Ghost in the Machine? The State and the Labour Process in Theory and Practice." In *Labour Process Theory*, edited by D. Knight & H. Willmott, 209-243. Basingstoke: Macmillan, 1991
- Tanner, Lindsay. "The Dangers of Industry Unionism." Victoria: Federated Clerks Union, 1989
- Taylor, Raymond & Bevan Greenslade. "The Activity of Employer Unions in Perspective", and Peter Brosnan & Pat Walsh, "Reply to Taylor & Greenslade." *NZ Journal of Industrial Relations* 11 (1986): 191-192
- Thompson, Mervyn. "Victims and Vengeance." *The Listener* 14 April 1984: 21-23
- Thomson, Clive. "Towards a Model of Professional Union Organisation: A Case Study of the NZ Nurses Assn at Auckland Public Hospital." MCom thesis, University of Auckland, 1990
- Trade Unions Against the Compact. *Bulletin*. July, August 1989
- Trade Union Education Authority. "The Business Roundtable." April 1987
- . "Women Workers in NZ: Some Significant Dates." Undated, ca. 1988
- . "Compact Resource Kit." Undated, ca.1989

- Trebilcock, Anne. "Strategies for Strengthening Women's Participation in Trade Union Leadership." *International Review* 130(4) (1991): 407-246
- Trotter, Chris. "The CTU in 1989: A Top-Down Revolution?" *New Times* Nov/Dec. 1989
- Tyrrell, Jacqueline. "Auckland Female Clerical Workers in Large Service Sector Firms." MA Arts & Honours Thesis in Geography, University of Auckland, 1989
- Upton, Simon. *The Withering of the State*. Wellington: Allen & Unwin/National Business Review, 1987
- . *Your Health and the Public Health: A Statement of Government Health Policy*. Wellington: Dept Health, July 1991
- Urban Research Associates, P. Hyman & A. Clark. *Equal Pay Study - Phase One Report*. Wellington: Department of Labour, 1987
- Valli, Linda. *Becoming Clerical Workers*. Boston: Routledge & Kegan Paul, 1986
- Van Mourik, Jacque Poot & Jacque J. Siegers. "Trends in Occupational Segregation of Women and Men in NZ." *NZ Economic Papers* 23 (1989): 29-50
- Vowles, Jack. "Business & Labour: Major Organised Interests in the Political Economy of NZ." In *NZ Politics in Perspective*, edited by Hyam Gold, 216-231. Auckland, Longman Paul, 1985
- & Jack Aimer. *Voters' Vengeance: The 1990 Election in NZ and the Fate of the Fourth Labour Government*. Auckland: Auckland University Press, 1990
- Wainwright, Torfrida. "Health Workers and the Industrial Democracy Protocol." Unpublished paper, Canterbury Area Health Board, October 1989
- Walby, Sylvia. *Patriarchy at Work*. Cambridge: Polity Press, 1986
- (ed). *Gender Segregation at Work*. Milton Keynes: Open University Press, 1988
- Walker, Simon (ed). *Rogernomics: Reshaping NZ's Economy*. Wellington: NZ Centre for Independent Studies, 1989
- Walsh, Fintan Patrick. Collected Papers. Turnbull Library, Wellington.
- Walsh, Pat. "Union Membership Policy in NZ: 1984-1982." In *Voluntary Unionism*, edited by Peter Brosnan, 15-21. Wellington: Industrial Relations Centre, Victoria University, 1983,
- . "From Compulsory Unionism to Unqualified Preference: The Industrial Conciliation & Arbitration Act, 1961." *NZ Journal of History* 20(2) (1986): 147-166
- . "The State Sector Bill: An Analysis." Working Paper 1/88. Wellington: Industrial Relations Centre, Victoria, 1988
- . "A Family Fight? Industrial Relations Reform Under the Fourth Labour Government." In *The Making of Rogernomics*, edited by Brian Easton, 149-170. Auckland: Auckland University Press, 1989,
- . "The Privatisation of Social Aspiration." *Sites* Autumn 1990: 99-109
- . "Industrial Relations and Personnel Policies under the State Sector Act." In *Reshaping the State: NZ's Bureaucratic Revolution*, edited by Jonathan Boston, John Martin, June Pallot, Pat Walsh, 114-139. Auckland: Oxford University Press, 1991
- . "The State as Market: Implications for Industrial Relations in the Public Sector", paper to "Changing Responsibilities." Paper to Social Policy Conference, Wellington, December 1992
- . "The State and Industrial Relations in NZ." In *State and Economy in NZ*, edited by Brian Roper & Chris Rudd, 1-25. Auckland: Oxford University Press, 1993
- & Geoff Fougere. "The Unintended Consequences of the Arbitration System." *NZ Journal of Industrial Relations* 12 (1987): 187-197
- & Geoff Fougere. "Fiscal Policy, Public Sector Management and the 1989 Health Sector Strike." *NZ Journal of Industrial Relations* 14 (1989): 219-229
- & Rose Ryan. "The Making of the Employment Contracts Act." In *Employment Contracts: NZ Experiences*, edited by Raymond Harbridge, 13-30. Wellington: Victoria University Press, 1993,
- Walton, Jo Ann. *Nursing Practice in NZ Hospitals: Staff Nurses & Enrolled Nurses: An Investigation into the Nature and Organisation of Nursing Practice*. Wellington: National Action Group/Health Workforce Development Fund, 1989
- Wanna, John. "Centralisation without Corporatism: The Politics of NZ Business in Recession." *NZ Journal of Industrial Relations* 14 (1989): 1-15
- Wassenberg, Arthur F.P. "Neo-Corporatism and the Quest for Control: The Cuckoo Game." In *Patterns of Corporatist Policy-Making*, edited by G. Lehmbruch & P.C. Schmitter, 83-107. London: Sage, 1982
- Watson, Sophie (ed). *Playing the State: Australian Feminist Interventions*. London: Verso, 1990



- Webster, Rosalie. "Operating under the Act: One Union's Experience." In *Employment Contracts: NZ Experiences*, edited by Raymond Harbridge, 237-250. Wellington: Victoria University Press, 1993.
- Wilson, Margaret. *Towards Employment Equity, Report of the Working Group on Equal Employment Opportunities and Equal Pay*. Wellington: Government Printer, 1988
- . *Labour in Government, 1984-1987*. Wellington: Allen & Unwin, 1989
- . "Employment Equity Act 1990: A Case Study in Women's Political Influence, 1984-90." In *Controlling Interests: Business, the State and Society in NZ*, edited by John Deeks & Nick Perry, 113-131. Auckland: Auckland University Press, 1992
- Willis, Ralph. *Accord: The First Two Years*. Canberra: Ministry of Employment and Industrial Relations, undated, ca.1985
- Windsor, Kim. "Making Industry Work for Women." In *Playing the State: Australian Feminist Interventions*, edited by Sophie Watson, 137-151. London: Verso, 1990
- Witz, Anne. "Patriarchy and the Labour Market: Occupational Control Strategies and the Medical Division of Labour." In *Gender and the Labour Process*, edited by D. Knights & H. Willmott, 14-34. London: Macmillan, 1986
- . "Patriarchal Relations and Patterns of Sex Segregation in the Medical Division of Labour." In *Gender Segregation at Work*, edited by Sylvia Walby, 74-90. Milton Keynes: Open University Press, 1988
- . "Patriarchy and Professions: The Gendered Politics of Occupational Closure." *Sociology* 24(4) (1990): 675-690
- Wize, Sue & Liz Stanley. *Georgie Porgie: Sexual Harassment in Everyday Life*. London: Pandora, 1987
- Woodley, Alex. "One Step Forwards, Two Steps Backwards: The Pay Equity Campaign: A Case Study in Political Strategy." Research essay in Sociology, University of Auckland, 1993
- Women Against Violence. "Women Reply." *The Listener* 2 June 1984, 22-3
- Working Party on Equity in Employment. *Report*. Wellington, January 1991
- Wylie, Cathy. "Strength v Cleanliness: How Images of Masculinity and Equality Shape Women's Industrial Position in a Man's World." *NZ Journal of Industrial Relations* 9 (1994): 11-21

## LEGISLATIVE ACTS

Industrial Conciliation and Arbitration Act, 1894  
 Industrial Conciliation and Arbitration Act, 1936  
 Equal Pay Act 1972  
 Industrial Relations Act, 1973  
 Industrial Relations Reform Act, 1983  
 Industrial Relations Amendment Act, 1984  
 Industrial Relations Amendment Act, 1985  
 Industrial Relations Amendment Act (No.2), 1985  
 Labour Relations Act 1987  
 State Sector Act, 1988  
 Labour Relations Amendment Act, 1989  
 Employment Equity Act, 1990  
 Employment Contracts Act, 1991

## APPENDIX 1

### NEW ZEALAND WORKING WOMEN'S CHARTER

The NZ Council of Trade Unions endorses the New Zealand Workers Women's Charter:

- (i) The right to work for everyone.
- (ii) The elimination of all discrimination on the basis of sex, race, religion, political belief, marital or parental status, sexuality or age.
- (iii) Equal pay for work of equal value.
- (iv) Equal opportunity of entry into occupations and of promotion regardless of sex, race, religion, political belief, marital or parental status, sexuality or age.
- (v) Equal education opportunity for all.
- (vi) Union meetings and special trade union education courses for all unionists to be held with paid time off for participants with special attention to gaining more active participation from women unionists.
- (vii) Equal access to vocational guidance and training, including on-the-job training, retraining, study and conference leave for all workers.
- (viii) Introduction of a shorter working week with no loss of pay, flexible working hours and part-time opportunities for all workers by union agreement.
- (ix) Improved working conditions for all workers. The retention of beneficial provisions which apply to women and extension of these to men. Other benefits to apply equally to women and men.
- (x) Removal of legal, bureaucratic and other impediments to equality of superannuation, social security benefits, credit, finance, taxation, tenancies and other related matters.
- (xi) Consultation with and special attention to the needs and requirements of all workers from ethnic communities with special attention to those of women.
- (xii) Wide availability of quality child care with Government, employer and community support for all those who need it, including industrial creches, after-school and school holiday care.
- (xiii) Introduction of adequate paid parental leave without loss of job security, superannuation or promotion prospects.
- (xiv) Availability of paid family leave to enable time off to be taken in cases of family needs.
- (xv) Sex education and birth control advice freely available to all people of appropriate age, and legal, financial, social and medical impediments to safe contraception, sterilisation and abortion to be removed so as to allow the individual concerns to make their own decision.
- (xvi) Comprehensive government funded research into health questions specific to women.

(NZCTU 1992:178-179)

## APPENDIX 2

### LABOUR MARKET SEGREGATION BY SEX

(Source: Ministry of Women's Affairs, 1991, 1993, based on 1986 and 1991 Census data)

Comparison of 1986 Census with 1991 Census by 1986 4 digit Occupational Classifications			
Women as percentage of female workforce			
1986		1991 by 1986 categories	
Clerk general	8.4	Clerk general	6.06
Shop assistant	6.4	Shop assistant	6.05
Secretary/typist	4.0	Secretary/typist	3.89
General nurse	3.3	General nurse	3.64
Cleaner	2.9	Primary teacher	3.09
Primary teacher	2.5	Cleaner	2.89
Sewing machinist	2.4	Bookkeeper/accts	2.75
Bookkeeper/accts	2.3	Bank officer	2.41
32.2 in 8 jobs		30.78% in 8 jobs	
Bank officer	1.9	Receptionist	1.94
Nurse aid	1.6	Nurse aid	1.79
Proprietor retail	1.5	Sewing machinist	1.78
37.2 in 11 jobs		36.29% in 11 jobs	
Receptionist	1.4	Secondary teacher	1.46
Housestaff	1.3	Office manager	1.44
Secondary teacher	1.3	Housestaff	1.40
41.2 in 14 jobs		40.59% in 14 jobs	
Computer operator	1.2	Proprietor retail	1.40
Kitchenhand	1.2	Dairy farmer	1.19
Waiter	1.1	Admin/accts/person	1.19
Cafeteria asst	1.1	Cashier	1.19
Dairy farmer	1.1	Kitchenhand	1.10
Hairdresser	1.0	Hairdresser	1.05
47.99 in 20 jobs		47.71 in 20 jobs	

This slight lessening of concentration in the most common jobs for women appears to reflect a drop in numbers of general clerks employed, although there was a small increase in secretarial and bookkeeping/accounts clerks jobs. Clerical Union officials reported a tightening of the clerical labour market from around 1989, which they attributed as much overall economic contraction as to technology changes which began in the early 1980s.

Also notable is the increase in bank officers as the finance sector has expanded and the decrease in sewing machinists due to the contraction of domestic manufacturing, both reflecting from economic policy changes through the 1980s.

Comparison of 1986 Census with 1991 Census by 1986 5 digit Occupational Classifications			
Women as percentage of female workforce		Men as percentage of male workforce	
Sales assistant	7.6	General manager/MD	3.55
General clerk	5.5	Lorry driver	2.34
Secretary	4.6	Shop assistant	2.07
Accounts clerk	3.9	Builder/contractor	2.06
Registered nurse	3.4	Dairy farmer	1.97
Primary school teacher	3.1	Sheep farmer	1.77
Cleaner	3.0	Labourer	1.74
Bank Officer	2.7	Carpenter/joiner	1.67
33.7% in 8 jobs		17.7% in 8 jobs	
Receptionist, info clerk	2.6	Motor mechanic	1.63
Retail manager	2.1	Admin/accts/person	1.49
Sewing machinist	2.0	Proprietor, retail	1.29
38.5% in 11 jobs		21.58% in 11 jobs	
Office manager	1.8	Electrician	1.28
Dairy farmer/worker	1.5	Storeman	1.18
Secondary school teacher	1.5	Fitter/turner	1.15
		25.19% in 14 jobs	
Nurse aide	1.4	Freezing worker	1.08
Typist/Word processor	1.4	Clerk general	1.03
Packer	1.2	Retail manager	1.00
49.3% in 17 jobs		28.30% in 17 jobs	

141 male job categories have no women.

108 male dominated job categories have 3 or less women.

Only 15 female job categories have no men.

The two largest female job category with no men are plunket nurse (441) (men are around 4% of other nursing categories) and private housekeeper (300); all other jobs with no males are very small trades.